
BRIDGING BORDERS: INDIA'S STRATEGIC ROLE IN COMBATING HUMAN TRAFFICKING ACROSS SOUTH AND SOUTHEAST ASIA: A LEGAL, POLICY, AND TRANSNATIONAL PERSPECTIVE

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ABSTRACT

This research paper examines India's evolving role in combating human trafficking across South and Southeast Asia, focusing on its domestic legal framework, regional cooperation mechanisms, and emerging challenges such as cyber slavery and climate-induced vulnerability. While India has ratified key international instruments such as the Palermo Protocol, its fragmented institutional response and inconsistent inter-state coordination continue to undermine enforcement and victim protection. The paper analyses India's domestic anti-trafficking architecture under the Immoral Traffic (Prevention) Act, 1956, and evaluates its compatibility with international standards on prevention, protection, and prosecution. Further, it investigates the impact of structural and environmental factors including gender inequality, migration, and climate change; on trafficking vulnerability. By comparing India's approach with regional models within BIMSTEC and ASEAN, this paper highlights the urgent need for a unified, survivor-centered, and transnational strategy. The study proposes an integrated policy framework that connects human security, environmental resilience, and regional cooperation as the foundation for India's leadership in counter-trafficking efforts.

Keywords: India, Human Trafficking, South and Southeast Asia, Palermo Protocol, Regional Cooperation, BIMSTEC, Cyber Slavery, Climate Vulnerability, Victim Reintegration, Human Security, Transnational Crime

I. Introduction: Defining the Transnational Challenge and India's Anchor Role

A. Background and Significance of Human Trafficking in South and Southeast Asia

Human trafficking is globally recognized as one of the most profitable and pervasive forms of transnational organized crime, capitalizing directly on poverty, institutional weakness, and geopolitical instability. The South and Southeast Asian regions together represent a critical global nexus for this phenomenon, serving dynamically as source, transit, and destination regions for millions of vulnerable individuals. India's central geographical and demographic position means it is intrinsically linked to these regional flows. The sheer scale of cross-border movement, particularly from poorer nations or vulnerable internal regions into India's vast urban centers, creates conditions under which transnational criminal networks operate with relative ease.

The victims of trafficking in this region are predominantly women, children, Dalit populations, and migrants who are coerced or deceived into exploitative practices, including sexual slavery, forced labour, and organ trafficking. The underlying drivers of this vulnerability are overwhelmingly structural, rooted deeply in regional socio-economic asymmetries. These factors include widespread economic distress, limited access to education, high unemployment, and profound gender disparity. Trafficking networks exploit porous borders, existing migration routes, and the desperate need for livelihood opportunities to move victims across countries such as Nepal, Bangladesh, Myanmar, Thailand, and into Gulf countries. The organized and covert nature of these criminal activities significantly hampers traditional law enforcement efforts related to victim identification, prosecution, and subsequent rehabilitation.

B. India's Geopolitical Position and Strategic Imperative

India's role in combating transnational trafficking is multi-faceted, dictated by its unique geopolitical standing. It acts as a massive destination market for forced labour and commercial sexual exploitation, attracting both internal migrants and trafficked persons from neighbouring countries, particularly Nepal and Bangladesh. Simultaneously, India is a significant source country, with many of its citizens, especially those from marginalized communities, being trafficked internally or across international borders, including to Southeast Asian nations and the Gulf.

India faces the strategic imperative of developing a comprehensive anti-trafficking strategy capable of navigating the complexity of managing highly porous borders, such as the open 1,770 km frontier with Nepal, while also controlling illicit flows across more heavily managed boundaries, notably with Bangladesh and Myanmar. This geographical reality mandates a diplomatic and enforcement strategy that integrates border security with human rights principles.

A crucial analytical dimension emerges from understanding how human mobility interacts with exploitation. Trafficked persons are often initially regular migrants seeking economic opportunities, whose journeys transform into exploitation through coercion or deception. The government must recognize that safe migration is a primary anti-trafficking tool. If migration is viewed as a continuum where initially unsafe migration can rapidly escalate into full-scale trafficking, then enforcement agencies must integrate prevention directly into migration policy, moving beyond the reactive focus on post-facto "rescue." India's current approach, however, often overlooks this critical nexus, sometimes leading to the misclassification or punitive treatment of victims themselves, particularly in newer forms of digital exploitation.

C. Problem Statement and Core Research Questions

The central thesis of this paper is that India's vast potential to lead regional anti-trafficking efforts is substantially undermined by structural weaknesses: internal policy fragmentation, a legal framework inconsistent with international human rights standards, and geopolitical friction that prevents the effective operationalization of multilateral platforms. India's anti-trafficking strategy often confuses moral policing with protection, and its federal governance structure allows vast enforcement gaps, particularly concerning high-volume, low-visibility crimes like bonded labour.

This research critically addresses the following core questions:

1. How does India's legal and policy framework on human trafficking align with international standards on transnational organized crime?
2. What is India's role within regional cooperation frameworks (SAARC Convention on Trafficking, BIMSTEC initiatives, ASEAN dialogue partnerships)?
3. How effective are India's enforcement and intelligence-sharing mechanisms in

combating trafficking networks that operate across South and Southeast Asia?

4. What role do diplomacy, migration policy, and foreign aid play in shaping India's anti-trafficking strategy?
5. To what extent does India's socio-economic and gender policy landscape support long-term prevention and rehabilitation?
6. How can India's experience serve as a model, or cautionary tale, for transnational governance of human trafficking?

D. Methodology and Expected Contribution

The methodological approach employs doctrinal legal analysis to interpret domestic statutes and international treaties. This is complemented by a comparative regional study focusing on key factors such as Nepal, Bangladesh, Myanmar, and Thailand, assessing the flow dynamics and policy responses in comparison to India's.

The analysis is normatively evaluated against established international human rights standards and modern criminology principles. Empirical grounding is provided through data and case observations drawn from authoritative sources, including UNODC, IOM, and national reports.¹⁰

This paper moves beyond conventional legal and security analyses by integrating geopolitical, economic, and human rights critiques. It aims to offer a policy model for anti-trafficking cooperation centred on utilising emerging platforms like BIMSTEC, rather than the defunct SAARC framework. A key contribution is the identification and analysis of the novel threat posed by forced digital criminality ("cyber slavery") originating from Southeast Asian scam compounds. By positioning India as a case study for Global South responses to transnational crimes, the research seeks to propose pragmatic policy reforms that rigorously align law enforcement initiatives with human rights imperatives, ensuring scholarly rigor suitable for publication in international law or criminology journals.

II. Theoretical and Doctrinal Framework: Aligning Domestic Law with Global Norms

A. The UN Palermo Protocol and the International Standards for Transnational Organized

Crime

The United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Palermo Protocol), establish the definitive international standard for combating human trafficking. The Protocol's widely accepted definition requires the presence of three constituent elements: the act (recruitment, transportation, transfer, harbouring, or receipt of persons); the means (threat or use of force, coercion, abduction, fraud, deception, abuse of power or a position of vulnerability); and the purpose (exploitation, which includes sexual exploitation, forced labour, slavery, servitude, or the removal of organs). Full compliance with the Palermo Protocol is contingent upon a state's ability to criminally prosecute all three elements and to address the crime across all forms of exploitation.

B. Critiques of India's Foundational Legal Architecture

India's domestic legal response to trafficking remains inconsistent with the Palermo standards, largely due to its historical evolution as a patchwork of legislative acts. This legal landscape comprises constitutional guarantees, outdated morality statutes, and modern criminal amendments, leading to significant doctrinal incoherence when addressing sophisticated transnational organized crime.

1. The Immoral Traffic (Prevention) Act, 1956: Morality, Consent, and Criminalization Bias

The Immoral Traffic (Prevention) Act, 1956, serves as India's principal anti-trafficking law. However, its historical roots, tracing back to early 20th-century treaties focused on suppressing "white slavery" and protecting the "innocent" woman from being lured into brothels, have fundamentally shaped its morality-based approach. The ITPA's primary objective is the prevention of trafficking for prostitution, often focusing on the location of the sex work rather than the coercive elements of trafficking.

A major criticism levelled against the ITPA is its failure to adequately distinguish between consensual sex work engaged in by adults and forced trafficking for exploitation. This ambiguity results in morality-based policing that frequently leads to the re-victimization of trafficked women. The legal system, under the ITPA's mandate, is often more inclined to

prosecute than to assist victims, often conflates voluntary sex work with coercive trafficking. This inherent punitive bias against the victim population significantly confounds efforts to harmonize India's legal architecture with the protective and victim-centric principles mandated by the Palermo Protocol. The incorporation of Palermo provisions is essential to ensure consistency in both prosecution and protection.

2. The Indian Penal Code, Sections 370 and 370A: Scope and Limitations in Defining Trafficking

In an attempt to modernize the legal framework and follow international definitions, Sections 370 and 370A were introduced into the Indian Penal Code (IPC) to explicitly criminalize trafficking. These amendments aimed to align Indian law with the Palermo definition. Despite these legislative steps, critical analyses suggest that the definition and scope utilized under the IPC remain either too narrow or insufficiently robust to encompass the full spectrum of transnational exploitation. Furthermore, official reports indicate that the government had not fully amended Section 370 to adequately criminalize all forms of trafficking, leaving operational gaps in enforcement. The effective incorporation of clear guidelines for victim identification and protection remains a necessary step to ensure complete consistency in prosecution and humane treatment.

C. The Gap in Combating Forced and Bonded Labour

India's Constitution provides a robust foundation against forced labour, with Article 23(1) explicitly prohibiting trafficking in human beings and forced labour. The right to life and personal liberty, enshrined in Article 21, has been interpreted to include the right to live with dignity and free from exploitation. Specific legislation exists, notably the Bonded Labour System (Abolition) Act of 1976, which explicitly outlaws bonded labour and makes contravention a punishable offense.

1. Judicial Interpretation and the Neglect of the Bonded Labour System (Abolition) Act, 1976

The effectiveness of these laws is severely constrained by narrow legal interpretations and a persistent institutional reluctance to enforce them.

While the IPC contains anti-slavery provisions, Section 374 criminalizes compelling a person to labour against their will, carrying a minimalist punishment of one year's imprisonment

and/or a fine. The definition of the required criminal act and the extent of coercion mandated under Section 374 are narrowly drawn when compared to the broader, non-coercive standards established under international law.

This legal constriction allows the state to evade prosecution for the millions of workers routinely trapped in precarious and exploitative forms of work, which would otherwise be characterized as trafficking.

The consistent failure to enforce existing laws concerning bonded labour, contract labour, and inter-state migrant labour is a systemic issue. This structural neglect is empirically stark: twenty-one of India's thirty-six states and union territories reported zero cases filed or victims identified under the Bonded Labour System (Abolition) Act, despite credible reports of its ongoing prevalence in many of those regions. This failure suggests an institutional preference for treating legally defined trafficking as mere "labour exploitation, child labour, or minimum wage violations," thereby minimizing the severity of the crime and avoiding the systemic reforms necessary to address forced labor.

2. Legislative Rhetoric versus Rights-Based Reality

The critique of India's anti-trafficking law highlights a significant disconnect between legislative rhetoric and practical implementation. While recent draft bills include preambles emphasizing "dignity and rehabilitation," these documents simultaneously retain provisions that sanction coercive measures, such as institutionalization "without the consent of the victim, if necessary for their protection". This rhetorical victimhood construct, where victims are spoken for but denied agency, mirrors the paternalistic, morality-based approach of the ITPA. The state positions itself as a "disciplinary father figure" for perceived "innocent" women. This legal mechanism actively facilitates human rights violations, notably through the coercive confinement of survivors in shelters, undermining genuine rights-based, trauma-informed rehabilitation and contravening international standards.

D. Comparative Legal Analysis: India's Framework against Regional and Global Mandates

The doctrinal inconsistencies within Indian law create fundamental operational challenges for effective transnational cooperation. India cannot reliably lead regional efforts if its domestic definition of the crime, and its prosecutorial priorities, remain divergent from its neighbours

and global treaties. The persistent low conviction rate for trafficking crimes, including bonded labour, undermines deterrence and signals to transnational organized crime groups that India is a safe operating environment. Furthermore, explicit judicial observations regarding "police nexus" in trafficking cases underscore that the efficacy of the legal framework is compromised by state complicity and a judiciary that historically prioritized ordering procedures for rehabilitation over swift and severe punishment for traffickers. If the judiciary, even in high-profile cases, fails to ensure adequate punishment for traffickers, it signals that deterrence is secondary to welfare rhetoric, thus enabling transnational networks to thrive.

The table below illustrates the key points of divergence between Indian domestic law and the prevailing international human rights norms embodied by the Palermo Protocol and related instruments.

Table I. Comparative Analysis: Alignment of Indian Law with International Anti-Trafficking Norms

The following table summarizes the primary doctrinal divergences between Indian law and international obligations

Criterion/Instrument	Palermo Protocol Standard	Indian Legal Framework Status	Doctrinal Implication
Definition of Exploitation	Must cover all forms: sexual, forced labour, servitude, organ removal, forced criminality.	ITPA focuses heavily on prostitution; IPC 370/370A still narrowly interpreted; major legislative gaps in addressing forced criminality.	Risk of non-prosecution or misclassification of non-sexual/non-labour trafficking (e.g., cyber slavery, bride trafficking).
Victim Agency/Consent	Consent is irrelevant when any "means" of coercion (fraud, abuse of vulnerability) is present.	ITPA struggles to distinguish trafficking from voluntary adult sex work; state sanctions non-consensual	Re-victimization through morality policing; denial of personal liberty undermines the purpose of rescue and rehabilitation.

		detention of victims in shelters.	
Forced Labor Enforcement	Requirement for robust criminalization and eradication of debt bondage (ILO, Abolition Act).	Widespread non-reporting (21 states) and non-enforcement of the Bonded Labour System (Abolition) Act.	Systemic institutional failure to address the highest-volume form of trafficking, preserving the economic vulnerability of survivors.
Deterrence/Punishment	Seeking adequate penalties involving significant prison terms. ¹⁹	Overall low conviction rate; reliance on minimalistic penalties in IPC 374 for forced labour; focus on rehabilitation over immediate deterrence in high-profile judicial responses.	Undermines rule of law; fosters widespread impunity for sophisticated organized criminal networks.

III. Institutional Effectiveness and Cross-Border Enforcement Mechanisms

Effective regional leadership requires a robust domestic enforcement system capable of consistently investigating and prosecuting transnational crime networks. Its decentralized federal structure and persistent enforcement gaps, however, significantly hinders India's institutional response, particularly at the state level.

A. Mapping India's Enforcement Architecture

India's operational response is structurally complex, primarily relying on state and union territories for front-line anti-trafficking efforts, with policy and oversight provided by the central government. This fragmented structure poses a significant challenge when attempting to implement a unified strategy against crimes that transcend state and national boundaries. Coordination between state police forces, the Ministry of Home Affairs, and central intelligence agencies is often ad hoc, with limited mechanisms for standardized information

sharing or synchronized investigations. In practice, the disparity in capacity between states—ranging from resource-rich regions with dedicated Anti-Human Trafficking Units (AHTUs) to states with minimal institutional presence—creates substantial enforcement asymmetry.

The absence of a uniform investigative and prosecutorial protocol further complicates the process of evidence gathering, especially when trafficking routes across multiple jurisdictions. As a result, cases often collapse at the inter-state level due to procedural inconsistencies, jurisdictional disputes, or delays in filing charge sheets. Even within the federal structure, overlapping mandates among the Ministry of Women and Child Development, Ministry of Labour and Employment, and the Ministry of Home Affairs blur accountability, leaving operational gaps that traffickers exploit with precision.

1. The Role of the National Investigation Agency (NIA) and the Central Bureau of Investigation (CBI) in Transnational Cases

The NIA and CBI are the premier agencies designated to investigate and prosecute organized, cross-border crimes, including large-scale human trafficking. Their operations require navigating complex jurisdictional issues and coordinating intelligence with foreign counterparts. However, in the trafficking context, both agencies remain reactive rather than preventive, often engaging only when cases have already escalated to the transnational level. Limited inter-agency data integration and dependence on state-level referrals delay intervention. The nature of regional trafficking, which often involves decentralized recruitment exploiting localized vulnerabilities followed by movement across multiple jurisdictions, strains the capacity of these national agencies. Their effectiveness in dismantling organized crime depends heavily on the reliability and timeliness of real-time intelligence shared among state police forces and agencies in neighbouring nations. The absence of dedicated anti-trafficking divisions within both the NIA and CBI results in generalist investigation approaches that fail to account for the distinct socio-economic and gendered dimensions of trafficking networks.

2. Border Management: Challenges and Initiatives by the Border Security Force (BSF) and Immigration Authorities

India shares extensive and porous land borders with Nepal, Bangladesh, and Myanmar. The open 1,770 km border with Nepal presents a unique security and humanitarian challenge, as movement remains relatively unrestricted.⁸ While security agencies such as the BSF and

immigration authorities are tasked with interdiction; much trafficking occurs through ostensibly legal migration channels. Vulnerable individuals, often regular migrants seeking work opportunities, are deceived or coerced after crossing the border.

Trafficking flows are concentrated along known, high-volume routes, including checkpoints along the Bihar–Nepal border (for example, Pipraun in Madhubani District to Jatahi–Nagarain in Dhanusa District, Nepal, and Amgachhi in Araria District to Rangeli in Morang District, Nepal). Scholars and policy experts recommend deploying joint patrols, biometric monitoring, and the establishment of electronic border posts to curb smuggling and human trafficking across these critical corridors.

However, operationalizing these recommendations requires far more than technological infrastructure. Current border management lacks uniform standard operating procedures for identifying potential victims or traffickers, and BSF officers are often not trained to recognize non-coercive or deceptive recruitment patterns. Joint patrols between India and Nepal exist in principle, but they remain underutilized due to bureaucratic inertia and the absence of a binding bilateral protocol on human trafficking. Moreover, the humanitarian dimension complicates enforcement—many individuals intercepted along these borders are economic migrants rather than confirmed trafficking victims, leading to difficult determinations about consent and exploitation.

The challenge, therefore, lies in constructing a border governance model that is both security-oriented and rights-conscious. Integrating biometric systems, real-time cross-border databases, and gender-sensitive training for border personnel would help reconcile these objectives. Without such systemic reforms, India’s border management apparatus will continue to operate as a fragmented barrier rather than as an integrated frontline defense against regional human trafficking.

B. Evaluating Law Enforcement Cooperation and Intelligence Sharing

Combating transnational organized crime necessitates cohesive, coordinated responses that transcend national efforts. While India has demonstrated increased political will, translating this commitment into operational success remains difficult.

1. Formal Channels versus Informal Police-to-Police Networks in South Asia

Efforts to enhance regional intelligence sharing have been underway for nearly a decade. Supported by initiatives from UNODC and foreign governments, the proposed establishment of a regional intelligence coordination platform, the South Asian Regional Intelligence Coordination Centre (SARICC), has been pursued since 2015.

In parallel, UNODC has conducted intensive workshops for senior law enforcement officials from Bangladesh, Nepal, and Sri Lanka, aimed at building informal networks of police practitioners. These informal channels are recognized as vital for real-time, police-to-police cooperation, enabling quicker intelligence exchange, evidence collection, and coordinated cross-border investigations.

This dual approach of building formal structures while cultivating informal operational trust is a strategic necessity for overcoming political obstacles inherent in South Asian diplomacy.

2. Challenges of Data Integrity and Low Conviction Rates

The central government's increased efforts and advisories are consistently neutralized by the failures of state and union territories. This decentralized structure creates a systemic flaw in anti-trafficking compliance. Although the central government has issued multiple advisories to states to strengthen cooperation and communication, the decentralized nature of enforcement continues to produce critical institutional failures.

This weakness is most apparent in enforcing forced labour laws. Twenty-one of India's thirty-six states and union territories reported that they had neither identified victims of bonded labour nor filed cases under the Bonded Labour System (Abolition) Act, despite extensive evidence of its prevalence. This widespread non-reporting and misclassification indicate a systematic failure of law enforcement at the local level. Transnational criminal networks exploit these internal migration routes that pass through non-compliant states before moving victims across international borders.

The persistently low conviction rate for trafficking crimes, despite increased prosecution and investigation, undermines deterrence and erodes accountability for complicit officials.¹⁹ India cannot anchor regional security if its own federal structure provides safe havens for traffickers through decentralized law enforcement failures.

Table II. Institutional Gaps in India's Anti-Trafficking Response

Parameter of Failure	Empirical Indicator/Source	Impact on Transnational Counter-Trafficking
Bonded Labour Non-Enforcement	21 of 36 states/UTs reported zero bonded labour victims or cases filed under the Abolition Act.	Undermines India's credibility and ability to meet international standards; allows traffickers to exploit domestic labour systems as an unseen pipeline for regional trafficking.
Deterrence/Accountability	Overall conviction rate for trafficking crimes remained very low.	Creates widespread impunity for organized crime groups, enabling their continued operation and expansion across South and Southeast Asia.
Victim Agency/Protection	Victims confined in shelters for extended periods; required Magistrate's Order for release.	Re-victimization by the state deters survivors, especially foreign nationals, from cooperating with law enforcement in cross-border investigations.
Financial Assistance	Officials often failed to provide mandatory immediate assistance (INR 30,000) or release certificates to bonded labour victims.	Ensures continued economic vulnerability of survivors, increasing their dependence on exploitative systems and high risk of re-trafficking.

C. Case Study: The Convergence of Trafficking and Forced Digital Criminality

A critical, emergent threat to India's security and anti-trafficking mandate is the rise of "cyber slavery," where organized crime groups traffic individuals to be coerced into committing cybercrimes.

1. Analysis of Indian Victims in Southeast Asian Cyber Scam Compounds (Myanmar, Cambodia)

Following the COVID-19 pandemic, Chinese criminal groups capitalized on the collapse of the gambling industry in Southeast Asia to repurpose large casino and hotel facilities into sprawling cyber-scaming compounds or "fraud factories." These compounds exploit victims of human trafficking, coercing them into conducting sophisticated online fraud, crypto scams, romance-investment scams, and financial phishing operations. Indian nationals have increasingly been targeted for this form of exploitation, lured from India on the pretext of legitimate, well-paying digital or back-office work in countries like Thailand or Cambodia. Reports confirm hundreds of Indians have been rescued from these scam compounds following diplomatic interventions and raids in 2024.

2. The Legal-Technical Impediment: Prosecutorial Misclassification of Forced Criminality

The phenomenon of forced criminality introduces a major legal and technical challenge. The core risk is "trace-based misattribution." Law enforcement systems traditionally depend on binary legal categorizations: victim or perpetrator. In cyber slavery, victims are coerced into committing financial crimes, creating a hybrid status. Furthermore, some victims, initially compelled, may choose to persist due to the financial incentives offered or the perceived security provided by digital anonymity. This ambiguity places enormous pressure on law enforcement, increasing the likelihood that these trafficked persons are misclassified and prosecuted as criminals or scammers, rather than being protected as bona fide victims of transnational organized crime.

The failure to adapt traditional anti-trafficking task forces (CBI/NIA) to this technical shift fundamentally weakens India's response. Traditional units are typically oriented toward sexual and labour exploitation. The cyber-slavery threat requires integrating expertise in digital forensics, crypto tracing, and collaboration with financial intelligence units. If the legal framework cannot guarantee non-prosecution for victims of forced criminality, it acts as a powerful deterrent against victims reporting, thereby reinforcing the operational security of the criminal syndicates and linking human rights abuses directly to international financial security threats. India must integrate cyber defense and financial expertise directly into its anti-trafficking infrastructure.

IV. Geopolitical Dynamics and Regional Cooperation Frameworks

India's strategic role is inextricably linked to its diplomatic engagement and leadership within regional bodies. The effectiveness of multilateral frameworks, however, is heavily influenced by geopolitical stability and political will.

A. The South Asian Association for Regional Cooperation (SAARC) Framework

SAARC represents the foundational, yet currently politically constrained, framework for regional security and cooperation in South Asia.

1. Analysis of the SAARC Convention on Trafficking in Women and Children (2002)

The SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution was adopted in 2002. Its objective was comprehensive: to promote cooperation among Member States to effectively deal with prevention, interdiction, and suppression of trafficking, alongside the crucial steps of repatriation and rehabilitation of victims. The Convention specifically defined trafficking to include moving, selling, or buying women and children for prostitution, whether within or outside a country, irrespective of the victim's consent. It mandated that State Parties punish individuals involved in financing or managing places used for trafficking and ensure confidentiality, appropriate counselling, and legal assistance for child and women victims.

2. Institutional Inertia: Factors Impeding Ratification and Operationalization

Despite its foundational importance and repeated collective declarations by SAARC heads of government—including resolutions to "move towards an early ratification" the Convention has remained largely symbolic and ineffective. Member states have failed to fully ratify and operationalize the convention since its signing in 2002. This political paralysis stems primarily from chronic geopolitical tensions that have crippled the SAARC platform since 2016, rendering it operationally dormant and unable to drive cooperation or sustain policy continuity. Consequently, while the SAARC framework provides the historical precedent for regional cooperation, it is currently unsuitable as the primary vehicle for effective anti-trafficking strategy.

B. The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC)

Given the political inertia of SAARC, BIMSTEC has emerged as a strategically important alternative sub-regional grouping. It includes five SAARC members (India, Bangladesh, Bhutan, Nepal, Sri Lanka) and two ASEAN members (Thailand, Myanmar), visualizing itself as a critical "bridging link" between the two major Asian groupings.

1. BIMSTEC as a Geopolitical Bridge: Linking South and Southeast Asia

BIMSTEC aligns with India's broader "Look East" strategy, adding a crucial dimension to India's economic and security cooperation with Southeast Asian nations. Crucially, the membership encompasses key source, transit, and destination countries for human trafficking and illicit trade flows. Recognizing BIMSTEC as the primary operational vehicle for regional anti-trafficking policy, rather than SAARC, is essential for India's strategic pivot. This platform is functionally engaged in tangible security measures, unlike its predecessor.

2. India's Leadership in the Counter Terrorism and Transnational Crime Working Group

India chairs the key working group on Counter Terrorism and Transnational Crime (CTTC). This leadership role allows India to actively shape the regional security agenda. A key achievement of the group was the finalization of the BIMSTEC Convention on Combating International Terrorism, Transnational Organized Crime and Illicit Drug Trafficking, which inherently includes human trafficking within its scope.

India has demonstrated diplomatic initiative within this body, for example, by drafting and circulating texts for agreements on motor vehicle and coastal shipping connectivity.²⁹ This signals a commitment to driving executable, functional cooperation, which is necessary to overcome ad-hocism in regional diplomacy. The strategic necessity lies in recognizing BIMSTEC's capacity for practical execution, providing a structured mechanism that ensures continuity despite political fluctuations among member states.

C. Bilateral Diplomatic Engagements and Migration Policy

Operational effectiveness in counter-trafficking often relies more heavily on streamlined bilateral protocols than on cumbersome multilateral agreements.

1. Managing Open Borders: India's Relationships with Nepal and Bangladesh

India's open border policy with Nepal is both a diplomatic asset and a security liability, serving as a major, low-risk corridor for traffickers. The policy challenge is balancing the traditional freedom of movement with the need to prevent the exploitation of vulnerable populations. Trafficked persons are often regular migrants seeking economic opportunity who become vulnerable during or after their journey. Enhanced defense and border security cooperation initiatives, such as joint military exercises (e.g., 'Surya Kiran' with Nepal) and joint patrols, are necessary to counter infiltration, smuggling, and trafficking effectively.

2. Diplomacy, Foreign Aid, and Counter-Trafficking Strategies in the Neighbourhood

India leverages its position as the largest development partner in the region, providing extensive credit, grants, and humanitarian assistance. This development partnership is a critical, yet often underutilized, tool in the anti-trafficking strategy. Development assistance, particularly when channelled through gender innovation labs and regional trade programs, can be used proactively to promote safe migration policies and address the root economic risk factors that fuel trafficking. This approach is necessary because regional integration, such as the negotiation of a BIMSTEC Free Trade Agreement and the establishment of new transport corridors, while promoting legitimate commerce, also increases opportunities for criminal networks to move victims across borders.¹ India's diplomatic strategy must therefore embed anti-trafficking monitoring and mitigation measures directly into all new infrastructure and trade agreements, utilizing mechanisms like biometric monitoring and intelligence integration, to manage the double-edged sword of regional economic connectivity.

D. Geopolitical Tensions as Obstacles to Unified Regional Response

Weak governance and political instability in neighbouring countries inevitably create a permissive environment for the proliferation of transnational organized crime, including drug and arms smuggling, alongside human trafficking. The profits generated by these illicit activities often fund further destabilizing activities, posing a direct threat to India's internal security. The volatile situation in the Golden Triangle region, bordering India's northeast, demonstrates the security linkage between narcotics production and the trafficking of people. India's ability to stabilize its neighbourhood through robust defense partnerships and institutionalized regional mechanisms, such as formalized annual BIMSTEC summits, is

essential for creating predictability and building the long-term trust required for operational counter-trafficking success.

V. Socio-Economic Drivers, Vulnerability, and Prevention Strategies

A successful anti-trafficking strategy must address the deep socio-economic and structural factors that create vulnerability, rather than focusing solely on post-facto rescue and prosecution.

A. The Nexus of Poverty, Migration, and Trafficking Risk

Human trafficking is fundamentally an economic crime exploiting poverty and desperation for livelihood. The organized crime of trafficking exploits the fact that forced migration for labour is often a common, desperate livelihood strategy for the most vulnerable populations.

1. Analysis of Vulnerable Populations: Scheduled Castes, Scheduled Tribes, and Migrant Workers

Empirical evidence confirms that victims, particularly women and girls trapped in commercial sexual exploitation (CSE), overwhelmingly originate from poor families belonging to India's marginalized communities, including Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), and Muslim communities.⁴ For example, certain tribal groups have higher migration and trafficking rates, sometimes accepted socially because of the high economic returns, despite the community knowing the risk of forced sexual exploitation.

2. The Continuum of Unsafe Migration and Exploitation

The assumption that trafficking begins with kidnapping is often false; coercion or deception frequently occurs as an integral part of an individual's migration experience.⁷ the migration process is understood as a continuum that can rapidly move between vulnerability, unsafe migration, and outright trafficking.

A multitude of intersecting factors – structural inequalities, household economic instability, and individual risks – determine whether migration remains positive or devolves into exploitation. Effective prevention policies must therefore focus on understanding the root causes that drive vulnerable individuals to migrate in the first place, ensuring the migration

process itself is managed safely and legally.

The high social acceptance of risky migration pathways, even those known to lead to forced commercial sexual exploitation or servitude (such as certain types of Gulf trafficking),⁴ indicates a profound structural failure of the state to ensure economic dignity and security for marginalized groups. When trafficking agents offer immediate, if exploitative, financial relief, and the community accepts the risk as a necessary economic calculus because they lack viable alternatives, the problem transcends mere poverty. Prevention strategies must move beyond general awareness campaigns to implement robust, localized financial inclusion programs and guaranteed employment schemes that render risky, exploitative migration routes economically non-essential for vulnerable communities.

B. Gender and Structural Inequality: Drivers of Sexual and Bride Trafficking

Gender disparities and discriminatory social practices are primary amplifiers of trafficking risk, creating specific forms of exploitation that are difficult to prosecute.

1. Bride Trafficking in North India: Camouflage and Systemic Neglect

Bride trafficking represents a prevalent yet systemically overlooked form of human trafficking in India. It is primarily driven by highly skewed sex ratios in states such as Haryana, Punjab, and Rajasthan, a consequence of long-term practices of female feticide and infanticide. Girls from economically disadvantaged states like Bengal, Bihar, and Jharkhand are trafficked to these areas, camouflaged under the guise of legal marriage. This legal deception makes the crime extremely challenging to track and prosecute.

The driver of the crime (skewed sex ratio) links this form of trafficking directly back to fundamental failures in core gender policy. The structural roots of this exploitation run deep. Victims are often hesitant to leave their so-called husbands and families, especially if they have children, prioritizing perceived security over freedom. This resistance to rescue means that law enforcement and NGOs require sophisticated, long-term support systems, not just immediate rescue operations. The lack of comprehensive governmental law or specific scheme to prevent bride trafficking or provide targeted aid for its victims highlights a profound failure in India's socio-legal recognition of exploitation that occurs within domestic and cultural structures, rather than solely along international trade routes.

2. Gender-Based Exploitation in Labour Migration Contexts

Gender vulnerability extends beyond sexual exploitation to the labour migration sphere. Sexual harassment is a dominant form of exploitation in the workplace, reported by a significant portion of migrants, and often targeting individuals across different age groups. Furthermore, women trafficked to Gulf countries on the pretext of work are frequently forced into commercial sexual exploitation or domestic servitude. In certain vulnerable communities, the economic returns associated with Gulf trafficking sometimes lead to social acceptance of the practice, perpetuating the cycle of exploitation.

C. Environmental Security and Compounded Vulnerability

Climate change is an emerging and critical, yet largely under-explored, root cause of human trafficking vulnerability in India.

1. Climate Change Impacts as a Root Cause: The Case of the Indian Sundarbans

Discussions regarding anti-trafficking vulnerability often marginalize the relationship between climate change and human insecurity. However, climate-related impacts directly compound and exacerbate established trafficking drivers. In regions like the Indian Sundarbans, environmental degradation, severe loss of traditional livelihoods, and acute destitution caused by climate events force communities into risky migration pathways. This climate-induced insecurity increases the pull factors toward exploitative work situations and amplifies vulnerability to trafficking.

2. Integrating Environmental and Livelihood Policies into Anti-Trafficking Prevention

A truly comprehensive prevention strategy must integrate climate resilience and livelihood security measures. Recognizing climate change-related insecurity as empirical evidence of vulnerability to trafficking is necessary to inform policy interventions.⁵ India's strategic approach must acknowledge that safeguarding against environmental degradation is now intrinsically linked to safeguarding human security and preventing forced migration that often transitions into outright exploitation.

3. Institutional and Policy Gaps in Addressing Climate-Induced Trafficking

While climate change is increasingly acknowledged as a driver of displacement and economic

instability, India's anti-trafficking framework has yet to fully integrate environmental vulnerability into its prevention and protection strategies. The existing legal and policy apparatus treats climate-related displacement as a humanitarian or environmental management issue, rather than as a structural factor contributing to human trafficking. The absence of a unified national framework that links environmental security with human security allows climate-induced vulnerabilities to persist unaddressed, especially in high-risk coastal and agrarian regions.

The Ministry of Environment, Forest and Climate Change (MoEFCC) and the Ministry of Home Affairs (MHA) function in parallel but disconnected spheres: one deals with environmental degradation and disaster response, while the other oversees crime prevention and border management. This institutional separation obscures the overlap between environmental displacement and trafficking risk. For instance, in flood-prone districts of Assam and Bihar, sudden loss of arable land often results in large-scale migration toward metropolitan areas. Migrants from these disaster-affected regions, lacking legal documentation or livelihood alternatives, become particularly susceptible to debt bondage and coerced labour in informal sectors. Despite this recurring pattern, national disaster management policies have not incorporated trafficking risk assessment within post-disaster rehabilitation frameworks. At present, India's National Action Plan to Combat Human Trafficking does not include environmental or climate-related risk indicators as part of vulnerability mapping. Nor do state-level Anti-Human Trafficking Units (AHTUs) systematically coordinate with climate adaptation or rural development departments. This results in fragmented preventive action, where trafficking is treated as a criminal outcome rather than a foreseeable socio-environmental consequence. The neglect of environmental vulnerability perpetuates cycles of exploitation, particularly in areas repeatedly affected by cyclones, droughts, and river erosion, where social protection systems are weakest.

By contrast, emerging global frameworks illustrate how climate adaptation and anti-trafficking strategies can reinforce one another. The Philippines and Fiji have incorporated climate risk assessments into national anti-trafficking plans, ensuring that relocation and rehabilitation programs include livelihood restoration components. These integrated models recognize that resilience-building – such as access to microfinance, skill diversification, and community-based resource management – directly reduces the vulnerability of displaced populations to trafficking networks. For India, adopting a similar interdisciplinary model would align with its

commitments under both the Palermo Protocol and the Paris Agreement, framing climate resilience as an anti-trafficking strategy rather than a parallel policy concern.

Furthermore, India's existing welfare programs, such as the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) and the National Rural Livelihood Mission (NRLM), have untapped potential to serve as anti-trafficking safeguards in climate-vulnerable areas. Ensuring that these schemes prioritize households displaced or impoverished by climate disasters could provide a social safety net that prevents exploitative migration. However, field studies reveal inconsistent implementation, especially in remote and disaster-prone regions where bureaucratic capacity is weak. The absence of gender-sensitive planning compounds this gap, as women disproportionately face exploitative recruitment and coerced labour during post-disaster reconstruction efforts.

The path forward requires embedding anti-trafficking indicators into India's State Action Plans on Climate Change (SAPCCs) and the National Disaster Management Plan (NDMP). These frameworks must mandate inter-ministerial coordination, integrating trafficking prevention into environmental resilience policies. Incorporating early-warning systems that link environmental displacement data with migration monitoring could significantly improve preventive intervention. Moreover, institutionalizing collaboration between the MoEFCC, MHA, and Ministry of Women and Child Development (MWCD) would ensure that disaster response protocols actively anticipate and mitigate trafficking risk rather than respond to it reactively.

Ultimately, recognizing the convergence between environmental degradation and trafficking vulnerability is essential for modernizing India's approach to human security. Climate change is no longer a distant environmental issue; it is a present and accelerating socio-economic disruptor that fuels the very conditions traffickers' exploit. Until India's anti-trafficking institutions evolve to address this nexus, prevention efforts will remain partial and reactive. The success of future anti-trafficking strategies will depend not only on stronger law enforcement but also on India's capacity to safeguard climate-vulnerable communities from being pushed into cycles of forced migration, exploitation, and renewed victimization.

VI. Human Rights and Victim-Centric Policy Evaluation

The true measure of a state's anti-trafficking commitment lies not just in its punitive capacity,

but in its adherence to human rights standards during rescue, rehabilitation, and reintegration. India's protection framework is critically inconsistent, often undermining survivor recovery and agency.

A. Review of India's Protection and Assistance Mandates

India operates under the constitutional and judicial mandates to protect and assist survivors. Judicial rulings, notably *Gaurav Jain v. Union of India*, have historically established procedures for rescue, welfare, and rehabilitation. Furthermore, central government guidelines mandate compensation and immediate financial assistance upon victim identification.

1. Inadequacy of State-Level Services and Compensation Delays

Despite these mandates, protection efforts remain inadequate, characterized by inconsistent implementation and service quality that varies dramatically by state. Many victims wait years to receive the central-government mandated compensation, and courts rarely award restitution from traffickers in criminal cases. The economic logic of protection failure is evident in the systematic denial of mandated economic relief. Officials frequently fail to provide the compulsory immediate assistance of 30,000 INR (\$360) upon identification for bonded labour victims.

Similarly, the issuance of mandatory release certificates for bonded labour survivors is inconsistent and often requires significant advocacy from non-governmental organizations, sometimes taking years. Without immediate capital and legal documentation (the release certificate), a bonded labourer cannot secure safe employment or sever ties with the exploitative system, ensuring their continued dependence or high risk of re-trafficking.

2. The Institutional Trafficking of Victims

The most significant policy flaw is the systematic removal of survivor agency through coercive institutionalization. Audits of government-run or -funded shelters are inadequate. Crucially, many victims, even after being "rescued," remain confined in these shelters for extended periods, sometimes unable to leave without a magistrate's order.

This practice constitutes a secondary violation of the survivor's fundamental rights. When a government-funded institution holds a victim against their will for years, effectively denying

them personal liberty and movement, it replicates the coercive control exerted by the trafficker, albeit under the guise of paternalistic state protection. This state-sanctioned detention fundamentally violates the right to personal liberty (Article 21), ensuring that victims are re-victimized by the very system designed to protect them. This institutional abuse profoundly undermines genuine recovery and provides a powerful disincentive for survivors, particularly foreign nationals, to report crimes or cooperate with investigations.

VII. Policy Recommendations and Future Directions

The following recommendations are grounded in the recognition that India's strategic potential in transnational counter-trafficking is contingent upon addressing its critical domestic legal, institutional, and human rights gaps.

A. Legal and Legislative Reforms: Harmonizing Domestic Law with International Standards

1. Comprehensive Anti-Trafficking Legislation

India must abandon the piecemeal approach and enact a unified, comprehensive Anti-Trafficking Act. This legislation must fully supersede the morality-based focus of the ITPA, adopting the Palermo-compliant definition that rigorously covers the act, means, and purpose of exploitation across all forms (sexual, labour, and forced criminality). This reform must explicitly broaden the definition of coercion in IPC Section 374 to align with the broader forced labour standards set by the ILO and the Palermo Protocol.

2. Strengthening Forced Labor Enforcement and Accountability

The central government should establish legally binding enforcement benchmarks and accountability mechanisms for state governments regarding the enforcement of the Bonded Labour System (Abolition) Act. This includes legally mandating the timely provision of immediate financial assistance (INR 30,000) and the mandatory issuance of release certificates to all identified bonded labour victims. Furthermore, judicial bodies must prioritize sentencing convicted traffickers with adequate penalties, including significant prison terms, to establish genuine deterrence across the region.

3. Legal Immunity for Forced Criminality Victims

To address the immediate threat of cyber slavery, the legal framework must be adapted to the

technological reality. New domestic legislation must explicitly guarantee non-prosecution and provide legal immunity to individuals who can prove they were trafficked and coerced into committing cybercrimes. This legal safeguard is essential to encourage victims to come forward and cooperate with transnational investigations, aligning the legal response with their victim status rather than prosecuting them as perpetrators.

B. Institutional Strengthening and Capacity Building

1. Enhancing Inter-State and Transnational Intelligence Coordination

The efforts to establish the South Asian Regional Intelligence Coordination Centre (SARICC) must be formalized and functionally integrated with Central and State anti-trafficking units (NIA, CBI, BSF).

This network should focus on sharing real-time, actionable intelligence, particularly concerning the identified high-volume corridors running between India, Nepal, and Bangladesh. Specialized joint task forces must be established to address these specific, persistent routes.

2. Reforming Victim Protection and Repatriation Protocols

The government must establish centralized auditing and oversight standards for all shelters, strictly prohibiting the practice of detaining survivors against their will, especially without due process and judicial review. Protection must be non-coercive and rights-based. Repatriation procedures for foreign nationals must be streamlined through binding bilateral agreements, mandating rapid return and explicitly delinking the timeline for repatriation from the requirement for victims to provide witness testimony.

3. Mandating Specialized Cyber-Trafficking Units

The NIA and CBI must establish specialized Cyber-Trafficking Units. These units require immediate capacity building in digital forensics, crypto tracing, and sophisticated financial intelligence to investigate and disrupt transnational crime groups operating fraud factories in Southeast Asia. This interdisciplinary expertise is essential to ensure victims of forced digital criminality are correctly identified and protected, preventing prosecutorial misclassification.

C. A Proposed Regional Anti-Trafficking Model Centered on BIMSTEC

Given the political inertia of SAARC, India's strategic focus must officially pivot to BIMSTEC as the most viable platform for functional regional cooperation.

1. BIMSTEC Protocol on Victim Repatriation and Enforcement

India should leverage its leadership in the BIMSTEC Counter Terrorism and Transnational Crime working group to establish an execution-focused protocol. This protocol should standardize real-time police-to-police intelligence sharing (building upon UNODC's informal network workshops) and establish mechanisms for rapid, standardized victim repatriation among all member states (India, Bangladesh, Nepal, Myanmar, Thailand). This approach capitalizes on the momentum already achieved in areas like transport and connectivity.

2. Integrating Anti-Trafficking into Economic Policy

All future BIMSTEC agreements, including the negotiated Free Trade Agreement and new transport corridor agreements, must incorporate robust social sustainability clauses. These clauses should mandate monitoring the human rights impact of increased connectivity and allocate targeted development funds for anti-trafficking prevention and livelihood security in vulnerable border communities. This proactively mitigates the inherent risk that regional integration exacerbates trafficking vulnerability.

The preceding sections integrate legal, institutional, and geopolitical perspectives to demonstrate the multidimensional nature of India's anti-trafficking challenge.

VIII. Conclusion: India's Cautionary Tale and Model for Transnational Governance

A. Summary of Findings and Answer to Core Research Questions

India stands at a critical juncture in the global fight against human trafficking, possessing the constitutional architecture and geopolitical centrality to anchor regional security efforts across South and Southeast Asia. However, this paper concludes that India's strategic potential is significantly neutralized by pervasive internal policy fragmentation and a foundational misalignment between its domestic legal framework and international human rights standards.

Regarding the alignment with international standards, India's legal framework (RQ1) is strong

in constitutional principle but weak in statutory clarity, particularly due to the persistent, morality-based influence of the ITPA and the narrowly defined, poorly enforced statutes on forced labor. India's role in regional cooperation (RQ2) must strategically pivot, acknowledging the operational dormancy of the SAARC Convention and embracing BIMSTEC as the necessary functional bridge linking South and Southeast Asian enforcement mechanisms.

Institutional effectiveness (RQ3) is severely hampered by low conviction rates and systemic non-compliance at the state level, particularly evidenced by the mass failure to address bonded labor. Furthermore, enforcement mechanisms have been slow to adapt to new technological threats, notably the rise of sophisticated cyber slavery involving Indian victims in Southeast Asian fraud factories. Diplomacy, aid, and migration policy (RQ4) are influential but must be systematically integrated to address root vulnerabilities, mitigating the unintended trafficking risks created by increased regional economic integration. Finally, India's socio-economic and gender policy landscape (RQ5) remains deficient, failing to adequately address deep structural drivers like climate-induced migration and the legally camouflaged crime of bride trafficking, where the normalization of exploitation acts as a structural impediment to genuine prevention.

B. The Contribution of the Paper to Global South Responses to Transnational Crime

This analysis positions India as a crucial case study for understanding the complexities of managing transnational organized crime within the Global South. India's experience demonstrates that the effectiveness of international security cooperation is critically dependent on domestic institutional integrity and adherence to human rights principles. Where enforcement is fragmented by federal implementation gaps, and where the state apparatus engages in the secondary violation of victim rights (such as coercive shelter confinement), the conditions that sustain transnational organized crime networks are inadvertently preserved. India's trajectory presents a cautionary tale: possessing robust constitutional protections is insufficient if legislative and enforcement mechanisms fail to prioritize deterrence and human dignity over punitive control and bureaucratic inertia.

The potential for India to serve as a model lies in its ability to execute the strategic pivot towards pragmatic, action-oriented regional platforms like BIMSTEC, while simultaneously undertaking radical domestic reforms that transform the victim from a subject of state control into an empowered beneficiary of rights-based protection and economic independence.

C. Limitations and Avenues for Future Research

This paper utilized doctrinal analysis and established empirical data from international organizations. While comprehensive, the findings are limited by the challenges of accessing granular, real-time data on localized trafficking operations and conviction outcomes across India's numerous states and union territories. The true scope of state-level non-compliance, particularly regarding bonded labour, requires further dedicated quantitative research.

Future scholarly work should prioritize ground-level empirical evaluation of the effectiveness of India's nascent informal police-to-police cooperation networks established through UNODC initiatives, comparing their success rate against formal bilateral agreements. Specialized criminological and sociological research is also urgently needed to evaluate the long-term reintegration outcomes for survivors of non-traditional exploitation, such as forced digital criminality and bride trafficking, to ensure that policy responses are evidence-based and trauma-informed. Finally, research must rigorously quantify the specific economic and social costs of state non-compliance with existing victim compensation and bonded labour abolition laws, demonstrating the tangible impact of institutional failure on the persistence of human trafficking.

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