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PAPER TITLE- *Women Trafficking In India;*
An Anthropological
View

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Abstract-

In general terms of developing country like India many factor as poverty, population ,lack of education, low valuation of girl child ,loss of traditional sources of livelihood ,modernization of society , basic and big demands can be seen as the problem of human trafficking.

India is a country where the trafficking of women and children occurs frequently and the incidents are seemed to be correlated with the economic social demographic and natural factor among other. Trafficking is one kind of migration meaning to recruitment of children and women within and across the national boundaries for work, marriage or services by means of violence, threat of violence.

It has been observed poor helpless families and tribal society have become the main target group of traffickers. Trafficking has become great human problem in all over human society. In this article an attempt has been made to focus about

1. Children

2. Some solutions and suggestions.

Human trafficking is a criminal Practice in human society all over the world. It is a great problem in human society. One can find a legal "protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nation Convention against transnational organized crime" adopted the "Palemo Protocol" . It is currently the official definition. The recruitment , transportation, transfer , harboring of receipt of persons , by means of the threat or the use of force or other form of coercion , of abduction , of fraud of deception , of the abuse of power or of a position of vulnerability, or of the giving or receiving of payment or benefits to achieve the consent of a person having control over another person for the purpose of exploitation of prostitution of others or other form of sexual exploitation, forced labour or services , slavery or practices similar to slavery, servitude or the removal of organs.

The three elements clearly involved are:-

1. An Action with intention
2. The means required for the action and
3. The purpose.

We have term human trafficking. The concept of trafficking in people refers to the criminal practice of exploitation of human beings where they are treated as commodities for profit and after being trafficked are subjected to long term exploitation. For the purpose of study, the working definition of trafficking which was adapted has been stated in the U.N. Protocol to prevent ,suppress and punish trafficking in persons especially women and children , supplementing the United Nations convention against transnational organised crime,2000. To which India is a signatory. Hence it defines the above stated definition.

Definitions are available reflect the lack of clarity and consensus on what precisely constitutes trafficking. Over decades , the concept itself has evolved , to include many more attributes and features than with which it began. So much so that increasingly it has been recognized that historical characterizations of trafficking are outdated, it is defined and non-responsive to the current realities of the movement and trade in people and to the nature and extent of the abuses inherent in and incidental to trafficking (United Nations 2000:8).

The various definitions reflect in the interpretation, understanding, emphasis, inclusion or exclusion of specific elements and attributes of trafficking . Debates, arguments and confusions appear to centre around the issue of consent and movement ; purpose relation with smuggling and illegal migration ; and women and children.

The United Nations protocol to prevent ,suppress and punish trafficking in person ,especially women and children adopted in november 2000 which is part of the United Nations Convention against organised crime . Provides the internationally recognized definition of trafficking (ESCAP 2003). Besides giving a framework for further discussions ; it has proved to be a guiding principle for a macro conceptual understanding on trafficking (UNIFEM 2003).

This definition has expanded the exploitative conditions that may result from trafficking which were earlier confined only to prostitution . Thus it is considered to be more inclusive. The positive aspect of this definition are stated to the elaboration of the means used , its clarity on the issue of consent (one of the most debated issues in trafficking) and the different acts in the trafficking process that it encompasses. Concern has been expressed that the first modern definition of trafficking is being elaborated in the context of crime control rather than with a focus on human rights. It is also viewed as one which confuses the lay person . Thus, the debate continues post 2000, with other definitions being suggested and adopted by Cumaraswami United Nations(2001).

ILO TPEC 2001 and SAARC 2001 a legal definition of trafficking has for the first time attempted by the Goa Children's Act.

TABLE 1

PROVISIONS IN THE CONSTITUTION OF

INDIA

ARTICLE	BRIEF DESCRIPTION
Article 14	Men and women to have equal rights and opportunities in the political, economic and social spheres.
Article 15(1)	Prohibits discrimination against any citizen on the grounds of religion, caste, race, sex etc.
Article 15(3)	Special provision enabling the State to make affirmative discriminations in favour of women.
Article 16	Equality of opportunities in matter of public appointments for all citizens.
Article 39	Enumerate certain principle of policy to be followed by the state .
	Among them-
	being right to adequate means of livelihood for men

	and women equally and equal pay for equal work.
Article 39(A)	State shall direct its policy towards securing all citizens men and women equally, the right to means of livelihood.
Article 39(d)	Equal pay for equal work for both men and women
Article 42	State to make provisions for ensuring just and humane conditions of work and maternity relief.
Article 46	Directs the states to promote education and economic interest of the scheduled caste, schedule tribes and other weaker section (women are included) and that it shall protect Them from social Injustice and all forms of exploitation.

THE INDIAN CONSTITUTION prohibits all forms of trafficking under Article 23. The suppression of the Immoral Traffic Act, 1956. (Amended to the immoral Traffick Prevention Act) was in response to the ratification of the international convention on suppression of immoral traffick and exploitation of prostitution of others in 1950 by India Trafficking has an area of concerned since the early 20th century.

CULTURAL ASPECT

All over the world, the institution of religion has come to play a predominant role in shaping societies. It is the foundation on which the normative structure of society stands. This dependence on religion emerged with the belief in a power superior to human beings, which directs their destiny and controls nature. Its practical dimension is expressed through a number of ways in any given culture of the society. Its perceptive and doctrinal aspects include moral and social theology, philosophy of religion, and dogmas. Hence, innumerable forms of ceremonies, worships, rites, moral teachings, mystical experiences, and knowledge of supernatural power have come to exist since time immemorial, in addition to a number of aberrations, superstitions and exploitative customs/traditions in the name of religion. The reference here is to the existence of culturally sanctioned practices in India, in particular, the cult popularly referred to as the devadasi system and its various forms, under which a girl is dedicated to a deity or object of worship or to a temple. Besides the aforementioned, certain communities like the Rajnat of Rajasthan, the Bedia of Madhya Pradesh and the Bachada of the Rajasthan – Madhya Pradesh border also have some socially sanctioned practices enabling trafficking and commercial sexual exploitation. The term devadasi is a Sanskrit word denoting deva – the God, and dasi – female slave, which literally means ‘female slave of the God’. Many believe that devadasi is the feminine form of devadasi – a man who is enslaved for the service of a deity. Interestingly, this cult continues to exist even today throughout India with some regional variations. In fact, the institution of dedication of young girls to temples or deities

happens to be a pan-Indian phenomenon. However, it came to be known by different names at the local and regional level. For instance, to describe these women in Goa, the term used is bhavin. On the west coast, it is kudikar, bogam or Jogin in Andhra Pradesh, the vardiyar in Tamil Nadu, murali, jogateen and aradhini in Maharashtra, jogati or basavi in Karnataka, ganika in Orissa, nati in Assam and so on. Perhaps one reason for usage of different terms could be on account of the different traditions followed and languages spoken all over the country (Chakraborty, 2000; Shankar, 1990; Tarachand, 1991). It especially attracted attention during the 1980's. More recently there has been a widening of its focus, this was not accompanied by an Independent and sustained mass movement, against trafficking in the country (D, chuna 1998).

Traffickers approach on women and girls in groups, it helps them to win the trust (Sangroula, 2001). Today new trends are emerging, Traffickers using marriage bureaus, placement and tutorial agencies as a front for luring people. Recruits can be neighbours, friends of families, relatives of and/or friends, women who migrated or women who have been trafficked, women friends, husbands, fathers, boyfriends or lovers. Some recruiters were gay men who were trusted by women because of their sex orientation (Raymond, 2002), they can be drug peddlers, head masons at construction sites, even banned leaders in dancing/live bars (ISS 2003A), motor cycle pilot as in Goa (CRG, 2003), or labour contractors (ISS 2003C) they either use friends and acquaintance to recruit or rely on word of mouth. Term like DALAL or DALALI are used to refer to traffickers (Nirmala Niketan, College of Social Works 2003; Gupta 2003), traffickers are usually young man and middle-aged women who are significantly older than the young, the chain is reaching to the inter-mediate school levels but many of the traffickers are older women, may be they are former prostitutes (GIRI 1997) (Tumlin, 2000).

The scale of phenomenon is difficult because of the clandestine nature of operations, the trade is secretive, the women and children are silenced, the traffickers are dangerous among the most quoted figure are United Nations estimate that four million people are traded against work in some form of slavery, many of them, children and believers, that in the last 30 years trafficking in women and children for sexual exploitation in Asia alone has victimized more than 30 million people. (Westwood). It is very difficult to collect data on trafficking because of the clandestine nature of the operations, because of the secretive trade. The calculation of trafficked people is generally made with reference to Commercial Sexual Exploitation (CSE). In India the stigma attached to prostitution and the clandestine nature of operations make it doubly difficult to arrive at authentic numbers. (Gupta 2003). The original sources or how these figures have been arrived at are rarely stated. Around 30% to 90% female (women and girl) are under 18 at time of entering into prostitution (Mukherjee and Das, 1996). The population of women and children in sex work in India is stated to be between 70,000 and 1 million, of these 30% are of 20 years of age, nearly 15% began sex work when they are below 15 and 25% entered

between 15 and 18 years (Mukherjee and Das 1996). A news published in Stets Man on 12th august,2002 states that roughly 2 million children are abused and forced into this every year. A study conducted in 1992 estimates that 20,000 girls are transported from one part to another part of country(Gupta,2003). According to NCRB data:-

- In 1991 there were 9,368 cases of trafficked women and children.
- In India reported crime against women were highest in Tamil Nadu i.e. 10.5%.
- The total number of cases of kidnapping and abducting registered in 1999 were 15,956. Among the total female victims, 1,960 females were reported kidnapped or abducted for marriage and 9,159 for prostitution purpose (ADB,2002).



TABLE 2

STATE	PERCENTAGE OF	
POPULATION BELOW POVERTY LINE		
	1993-1994	1999-2000
•Andhra Pradesh	22.19	15.77
•Assam	40.86	30.09
•Bihar	54.96	42.60
•Delhi	14.69	8.23
•Goa	8.23	4.40
•Karnataka	33.16	20.04
•Maharashtra	36.86	25.02
•Meghalaya	37.92	33.87
•Rajasthan	27.41	15.28
•Tamil Nadu	35.03	21.12
•Uttar Pradesh	40.85	31.69
•West Bengal	33.66	27.02

Source; Planning Commission.

1)There has been a steady increase in the crime committed against women which rose from 1,31,475 cases in 1998 to 1,43,795 in 2001. However the total incidents of crime declining to 1,33,915 during 2002, register a decline of 6-9 as compared to 2001 as reported in Crime in India.

2)CHILD LABOUR - In India, a large number of children are trafficked not only for the sex 'trade' but also for other forms of non-sex-based exploitation that includes servitude of different types, viz. domestic labour, industrial labour, agricultural labour, begging, organ trade, camel jockeying, false marriage,etc. Here, an attempt has been made to study the problems of trafficked children (male and female), victims of these various forms of exploitation, and is

particularly focussed on those who have been rescued. In this connection, it is necessary to bear in mind that under the ILO Convention 138, the term 'Child Labour' generally refers to any economic activity performed by persons under the age of 14. However, not all work performed by children is detrimental or exploitative. Child labour of concern is generally that which prevents effective school attendance or is performed under conditions hazardous to the physical and mental health of the child.

3)As the outset, it needs to be clarified that at present, there is no one clear legal definition of the child. The legal definition varies with the specific legislation. Under the Child Labour(Protection and Regulation) Act, 1986, a child means a person who has not completed fourteen years of age. Under the Juvenile Justice (Care and Protection) Act, 2000, the age is 18 years for both boys and girls. The Convention on the Rights of the Child (CRT) defines a child as "every human being below the age of 18 years". This definition is also reiterated in the U.N. Convention against Transnational Organised Crime. This study has accepted the definition of the child under the Juvenile Justice Act as one who is below 18 years of age.

4)MIGRATION-Migration is understood simply as a process of movement by people from one place to another, with an objective in mind. It is however, a process of some complexity. M.S.A.Rao states, "...it is a shift in the place of residence for some length of time..." (Rao 1986: 19)and is rooted in the economic, socio-cultural, ecological and political realities of a society. It is while examining trafficking in all its dimensions, that one's attention shifts to migration. The concern of this focus is mainly a search for more effective strategies, to combat trafficking, especially in the area of prevention, without violating the rights of migrants.Radhika Coomarswamy's report provides important indicators for the possible intersections between trafficking and migration (United Nations 2000). The two recent reports published by Raymond and Blanchet have made this relationship the basis of their studies.

5)Migration and trafficking causes are as follows:-

- The Economic factor
- Marriage factor
- Socio Cultural factor
- Ecological factor

Some suggestions and solutions

- Social awareness
- Come out from social pressure and social fear.

- People have to be Literate, hence illiteracy rate need to be reduced.
- Opportunity of employment and self-employment should be increased.
- Traditional works need more financial uplift by the Government.
- A child should be announced as a national property.

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