

## **TRAFFICKING IN HUMAN BEING : A JOURNEY TO DARKNESS**

“God loves man so much so that he felt pleased to create him in his own configuration. He, therefore, hoped man to do only those divine things, he loves most. Unfortunately, human being belies not only such an expectation of the Almighty but also reduced his fellow human being to a state even lower to chattel.” This is no poetic outburst from a poet of great repute but a huge lament, made in agony, by an authority as eminent as Dr. A. S. Annand, former Chief Justice of Supreme Court of India. Sad but truth it is, for, over a period, study conducted by a group of renown scholars shows that illegal trafficking in human being is the third largest organized crime, next only to illegal arm industry and drug trafficking. Amount, involved in such a crime industry, globally is a mind-boggling 9.5 billion dollars annually with India’s share, therein, being close to 8 million dollars every year. Recent studies, however, increasingly suspect that actual figures, involved in trafficking industry, is much higher than what was originally believed.

Illegal trafficking in human being has a long ugly and unholy history. In-fact, this crime industry is as old as human civilization itself. Not the mythology alone but also the recorded history of mankind has been replete with tales of lesser mortals always being subjected to trafficking by more fortunate ones. Harems, maintained by Kings and Generals in olden days is nothing but the extension of prostitution. Nearer home, kuoritols, which were maintained by Kings of medieval Assam and the Kings in the adjoining areas, had again been a kind of harem, run by the mighty ones to satisfy their lust.

However, it would totally be wrong to equate the prostitution of olden days with illegal trafficking, being practiced in the modern world. During the last few centuries, 20<sup>th</sup> century in particular, world has witnessed tremendous growth in the field of science. This makes the world smaller and very comfortable place to live in. Unfortunately, such a scientific advancement was not without banes as well. Most importantly, the greatest casualty, being brought about by advancement of science is metamorphosis of a vibrant and lively human being into a totally mechanized entity. Man to man relationships in good olden days, were based on mutual love, respect and universal fraternity. Sadly enough, it has fast been replaced by relations, which are based on purely materialistic considerations. In such a scenario, crime configuration in present day world, too, has undergone a sea change. Now, crime has become

unbelievably brutal, inhuman and above all, profoundly immoral. So also is the trafficking in human being. In the above backdrop, let us see what is the understanding of the society vis-à-vis traffic in human being, as it has been practiced for last couples of decades.

Till 19<sup>th</sup> century-----nay-----even for a greater part of 20<sup>th</sup> century, prostitution and illegal trafficking in human being was considered to be the two sides of a same coin. The nomenclature, given to various State Legislations, such as, Prostitution Prohibition Act etc. bears the testimony to the above mindset of Civil Society. However, from the middle of 20<sup>th</sup> century, Civil Society started realizing that traditional concept of trafficking in human being or for that matter, definition to cover such a crime was wholly unequal to the task of containing a crime as diabolic as trafficking in human being-----let alone eradicating such a malaise from the society forever. With the passage of time, trafficking in human being encompasses human being of all ages and sexes. Added to that, every passing day witness trafficking, being conducted in more and more areas hitherto free from such a malaise. Thus, a series of Acts, such as, The Children Marriage Restraint Act, 1929, The Children (Pledging of Labour) Act, 1933, The Immoral Traffic (Prevention) Act, 1956, Indecent Representation of Women (Prohibition) Act,1986 etc. have been enacted to fight, the menace of trade in human flesh, out from the society. Even in recent period, too, trafficking in human being slips into more and more new areas, such as, cyber sex, pedophilia, pornography etc., thereby requiring more and more laws to come into place.

With the enactment of the Illegal Trafficking (Prevention) Act, 1956, the first genuine and sincere attempt was made not only to define such a crime but to contain it as well. For the first time, society tries to address this aberration in human being in a as comprehensive way as possible. The definition, so given in the Act, covers areas more than one, such as, recruitment, transportation, transfer, harboring or receipt of persons for the purpose of commercial exploitation. However, such an effort, too, fails to attain the goal, desired. The results, achieved by other legislations as well were far from satisfactory.

Thus, a need has arisen to know as to what causes all these legislations to fail. No single factor, however, can be held responsible for poor performance of such legislations. A host of factors have been in operation subjecting humanity to such myriad situations. These factors

can broadly be discussed under the following heads, (A) socio-economic and (B) Polito-legal flaws.

A. Socio Economic Reasons :

- (1) **Poverty** : No other cause is probably as powerful as what poverty is----in so far trafficking in human being is concerned. Poverty creates an unending chain of hapless human forcing them to become unwilling victims of trafficking. The fact that almost 80 to 85 percent of the victims comes from the poorest section of the society, makes it totally inescapable from holding that poverty is the prime cause of rampant growth of trafficking in human beings.
- (2) **Illiteracy** : The other cause, which can vie with poverty in terms of importance, is nothing but illiteracy. John Adams, one of the greatest philosophers during the period of great American Enlightenment, lamented that illiteracy anywhere is a scar to humanity everywhere. The above unmistakably shows how important education is in eradicating from the society a plethora of social evils including trafficking in human being. A considerable number of humanity in flesh trade being totally illiterate only serve to show how truthful the above statement is.
- (3) **The Mindset of modern society** is yet another reason for the failure of legislations, referred to above and consequently for the growth of trafficking in human being, **for**, it is found that a sizable portion of victims of trafficking comes from elite background too. The temptation of modern lives causes many gullible persons to run after mirage only to end up one day in the clutches of prostitution.
- (4) **Attitudes of Civil society** towards the victim of trafficking in human beings is another factor, which heavily comes in the way of eradicating from the society a menace as heinous as flesh trade. As a matter of fact, those hapless souls who become the victims, of-course for no fault of their own, need compassionate, kind and considerate treatment from the society. Such a treatment is imperative to get them rehabilitated in the society where from they

have been ejected quite ruthlessly. But such a treatment from society remains a far cry, which not only prevented them from becoming normal human being once again but condemned them to wallow in their predicament forever.

In this regard, we can cite two very disgraceful instances, which have vividly demonstrated the mindset of modern society. First, Calcutta's Specialist Govt. Hospital has refused repeatedly to operate on a thalassaemic child, who has caught HIV infection from the blood, he has been transfused in a Govt. hospital. Second, a Mayor of very prominent city in India has asked the employees, working in the corporation, of which he is Mayor, to take life long leave with pay, if they have been detected as living with HIV / AIDS. These two blatantly outrageous conducts from the Civil Society show where we live in-----in terms of serving fellow human being, which we believe moulded in the images of God.

(5) Trafficking in human being is probably the only industry in the world where one can mint money without any capital or with extremely little investment. The risk, involved in the trade or for that matter money, invested, all pale into insignificance, once we consider the return the perpetrators acquire from this trade. This coupled with poverty makes prostitution a thriving business so much so it is almost an impossibility to stamp out This is another factor, which not only makes prostitution a thriving business but a problem very difficult to negotiate with effectively.

#### B. Polito-Legal Hurdles :

Trafficking in human being in today's world is really a transnational crime where criminals have used a very robust and a very sophisticated network covering huge regions consisting of several countries for procuring the potential victims and push them to heinous crimes in countries more than one. In such a scenario, detection of trafficking, its investigation and consequent punishing of offenders becomes an extremely difficult job. This difficulty gets increased many folds for the fact that any schemes or laws tackling the menace, above, in either Regional or International basis are yet to occupy the place.

Over the years, inadequacies of various National laws, designed to contain trafficking are found to be enormous so much so that they could hardly address the problem as complicated as human trafficking. The advancement of modern science makes such shortcomings more and more apparent. Some of the laws, such as, section 7 and section 20 of the

Immoral Traffic (Prevention) Act, 1956 appear to be not only inhuman but it really makes the victims of crimes the offenders. It is equally futile to expect such laws in other countries doing better than their counter part in India. These contribute in a fair measure towards the failure of laws already in the place since last couples of decades.

On the top of all these legal hurdles, however, comes the extremely inadequate response from the very machineries, which were entrusted with the duty of enforcing law in the respective country. The position in India is extremely horrible where laws are mostly honoured more in violation than in observance. The track record of Indian law machinery in particular is abysmally unsatisfactory. The recent killing in Nithari, tragically exposes how inefficient law enforcing machineries in India are.

Another extremely disquieting factor is the news item that appeared in Daily Agradoot, published on 03.03.07 where it has been reported that during the period 2001-2006, as many as 4000 persons went on missing in the State of Assam alone and they remained missing even after years of their disappearance. Such news item has very ominous signal, which strongly suggests that Nithari may not be the lone and sole place in India where hundreds of human being went on missing only to be killed in some very secret place subsequently. Such places may be found every nook and corner of the country including Assam.

#### Conclusion :

The purpose of this essayist is not to paint a totally bleak future for the mankind. Nor is it an effort to pronounce that there is no light in the end of tunnel vis-à-vis trafficking in human being. The task ahead is daunting though----it is still not beyond reach of the remedial measures. The need of the hour is to go for a radical change in approach to addressing the problem. We have already done enough damage to the remedial measures by all along resorting to compartmentalize approaches to such a gigantic problem, which makes the very existence of humanity a difficult proposition. Equally unfortunately, such measures, already taken, are again painfully half-hearted, inadequate and almost devoid of sincerity and dedication.

We have already found that causes of these extremely serious social iniquities get scattered over a wide spectrum, which are economical, social, political and legal. Any meaningful attempt to eradicate such a ugly scar from the fair face of humanity must be a holistic one, which should

start from various platforms, such as, economic, social, political----and not from the platform of law alone. More than that, all such approaches should be full of commitment, mission and dedication. If the scenario, above, ever occur, a whistle blowing Act may do miracle in rescuing the humanity from the curse, aforesaid. Such an approach becomes almost unavoidable, as, it has already been found that trafficking has again unholy and huge nexus with some other ugly aberration to the humanity, such as, drug trafficking, illegal arms trade etc., which already subjected mankind to unending chain of miseries.

Over the years, humanity remains only rhetorical, without doing anything serious to tackle the problem before it. We have waited far too long doing almost nothing. Unfortunately, time runs out faster than we probably believe. We must, therefore, act now and we must act decisively once and for all-----Or-----tomorrow will be too late to catch the train for which civil society has to pay a huge price, which, now, we shudder to think of.

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