



Pratidhwani the Echo

A Peer-Reviewed International Journal of Humanities & Social Science

ISSN: 2278-5264 (Online) 2321-9319 (Print)

Impact Factor: 6.28 (Index Copernicus International)

Volume-XI, Issue-IV, July 2023, Page No.227-233

Published by Dept. of Bengali, Karimganj College, Karimganj, Assam, India

Website: <http://www.thecho.in>

A Borderless Crime That Involves Multiple Dimensions and Intricate Issues: Trafficking

Dr. Prabal Kumar Sinha

Principal, Rampurhat College, West Bengal, India

Abstract:

The main objective of this paper is to establish women trafficking are a form of violence. Day after day it is increasing. We know that today women are gradually recognised as important, powerful and meaningful contributors to the life of men. In spite of the legislative measures adopted in favour of women in our society after independence, countless women are still victims of violence. They are beaten, kidnapped, traffics, raped, brunt and murdered. According to the English Oxford Dictionary violence means violent behaviour intended to kill or hunt. The operational definition of violence may be given as force whether overt or covert, used to wrest from an Individual (woman) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both. Violence is an integral, though may not an acceptable, part of social life. So far, there is not known history of human civilization which is free of violence. Surely, violence has changed its form and character over hundreds and thousands of year to suit the socio- political and cultural environment within which its manifestation takes place. With the passage of time, the meaning and significance of violence often change and bring in various shades and shapes within its folds.

Keywords: Traffics, Trauma, Victim, Violence.

Approaches to the study of women's problem range goes from gerontology to psychiatry and criminology. This is also the task of social philosophy. But one important problem of women which is highly ignoring that is the problem of the violence against women. The problem of violence of women is not newly emerging issue. Women in the Indian society have been victims of humiliation, torture and exploitation for as long as we have written records of social organization and family life. The main objective of this paper is to establish women trafficking are a form of violence. Day after day it is increasing. We know that today women are gradually recognised as important, powerful and meaningful contributors to the life of men. In spite of the legislative measures adopted in favour of women in our society after independence, countless women are still victims of violence. They are beaten, kidnapped, traffics, raped, brunt and murdered. According to the English Oxford Dictionary violence means violent behaviour intended to kill or hunt. The

operational definition of violence may be given as force whether overt or covert, used to wrest from an Individual (woman) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both. Violence is an integral, though may not an acceptable, part of social life. So far, there is not known history of human civilization which is free of violence. Surely, violence has changed its form and character over hundreds and thousands of year to suit the socio- political and cultural environment within which its manifestation takes place. With the passage of time, the meaning and significance of violence often change and bring in various shades and shapes within its folds. From battlefield to the confines of domestic world, violence is so common that it has become a part of everyday life. On the other hand violence against women has a different connotation altogether.

It may be described as a technical term to refer to violent acts that are primarily or exclusively committed against women by men and or by women also. In short, these types of violence are targeted at a specific group with the victim's gender as a primary consideration. The UNO Declaration on the Elimination of Violence against Women (1993) has noted, in short, that this sort of violence could be perpetrated by assailant of either gender belonging to the family, the community and even the state itself. The obvious reason behind such violence is the common perception of women as inferior and subordinate to men .Closer examination reveals that the history of being considered as property and the specific gender role assigned to them for being subservient to men in general, and to women in powerful positions within the family, in particular. The popular belief is, being weak in body and mind; women are always in need to be protected by the opposite sex for women's own benefit. Today few topics draw the attention of researches in social sciences, Government, Planning groups, social workers and reformers as the problems of women do. . They are beaten, kidnapped, raped, brunt and murdered. According to the English Oxford Dictionary violence means violent behaviour intended to kill or hunt. The operational definition of violence may be given as force whether overt or covert, used to wrest from an Individual (woman) something that she does not want to give of her own free will and which causes her either physical injury or emotional trauma or both.

The Police Research Bureau, Delhi has referred to "crime against women "under two categories: 1) crime under the Indian Penal Code. The Bureau has identical seven crimes in this category.

They are rape, kidnapping, and abduction, homicide for dowry, torture (physical & mental), and molestation, eve-teasing and 2) crime under the local and special law. The Bureau has identified four crimes under the local and special laws are: commission of Sati, dowry prohibition, immoral traffic and indecent representation of women. So, rape, kidnapping, murder, wife-battering, sexual abuse, eve-teasing are all the examples of violence against women.

Now I want to emphasise on one of the most important issue regarding violence that is women trafficking. Trafficking is one of the most heinous offences against women as it

violates both the body and the soul of the victims. It may be described as a gross commercialisation of innocent lives on the one hand; and abuse of human rights on the other. Though trafficking may affect any gender – male or female- in the context of Indian society trafficking of young women and adolescent girls is more common. In its definition we may say that Trafficking is defined as a trade in forbidden goods like drugs, arms, wildlife and human beings. Human trafficking involves the criminal practice of treating and exploiting human beings for commercial purpose. According to the UN Protocol banning human trafficking, especially of women and children, it means the recruitment, transportation, transfer, harbouring or receipts of persons by means of threat or use of force or other forms 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 payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

This definition has been adopted by the UN Convention against Transnational Organised Crime and India is a signatory to the convention.

This long definition touches almost all the aspects of trafficking and relates it to, firstly, an action with an intention; secondly, to the means of recruitment; and thirdly, with its purposes. The word ‘vulnerable’ used in the definition indicates that the victims often belong to the severely deprived section of the population and, therefore, have no acceptable alternative but to submit to the abusive designs of the traffickers. This first internationally recognised definition has received plans from the critics who believe that it has focused more on the issue of crime control, but neglects the aspect of human rights, To overcome its shortcomings several other definitions have been suggested and adopted, from time to time, by various international bodies like the UNO (2001), the ILO-IPEC (2001) and the SAARC (2001).The Goa Children’s Act(2003) has a comprehensive, legal definition for child trafficking, in particular, and trafficking in general, borrowing heavily from the one presented by the UN Protocol of 2000. According to the Act, trafficking involves “procurement, recruitment, transportation, transfer, harbouring or receipt of persons, legally or illegally, within or across borders, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving payments or benefits to achieve the consent of a person having control over another person, for monetary gain or otherwise,”¹ The definition, thus, reveals that trafficking is a complex, international, multidimensional phenomenon with a variety of inter-related issues covering wide geographical spaces.

Trafficking like other problems also needs to be understood from the three basic points of prevention, protection and prosecution. The problem itself survives, essentially, on the principle of demand and supply. From the point of demand, it can broadly, be categorised as trafficking for sex-based exploitation, and there is frequent overlapping between the two. The first category includes brothel based and non-brothel based commercial sexual exploitation, pornography, paedophilia, sex-tourism, mail-order brides, disguised sexual abuse occurring in dubious massage parlours, beauty parlours, bars, friendship clubs, etc. The second category, that is, trafficking for non-sex based exploitation includes a wide

number of economic oppression like servitude, slavery, bonded or forced labour, domestic and industrial servitude, servitude in the entertainment industry like camel-racing and circuses, drug-peddling, begging, trading in human organs, trafficking for marriage, for being engaged as mercenaries, for adoption and other exploitative practices, The constant flow of supply of minor girls and young women is ensured by extreme poverty, parental ignorance of potential dangers of handing over the young women to marriage or employment agents and total absence of awareness of rights to be enjoyed by a person and associated laws. As a purposive activity, trafficking needs the presence of at least three parties- namely, the victims, the agents or the traffickers and the buyers or clients. Each of these three contributes in its own way for the regular survival of the supply chain. At the other end, however, there are activities, policy- planners and honest and upright members of the force who combat trafficking. Studies have repeatedly shown that most of the victims of trafficking are very young in age; though they are often forced by the traffickers to record their age as 18 years and above.

It has also been found that over 65% of the victims are either illiterate or barely literate. Of the rest, the higher level of education, the lower is the number of victims. This shows that education, acts as a safeguard against trafficking. Again, child marriage is another key factor that makes young woman and children vulnerable to trafficking; its prevention may be beneficial in the community's fight against trafficking.

Now I am discussing about the activities of traffickers. The traffickers or the agents play key role in the supply-chain of girls and young women though there are many other players who perfect their jobs 'spotting' or other commercial purposes and finally, exploiting them. Thus, the trafficking hierarchy is consisted of several tiers with the master trafficker or the kingpin at the apex, the primary traffickers or procurers at their behest; lower down the hierarchy there are secondary traffickers and lastly the 'spotters' or the grass-root chain of intelligence gatherers. The business of human trafficking revolves around the men at the apex, that is, the master traffickers who control the whole operation. They operate in such a clandestine yet clever fashion that all their activities remain largely unnoticed and so beyond suspicion. For the traffickers the operation amounts to a purely commercial activity for that reason they try to extract as much financial gains as possible through the cleverly built up network that connects the demand and supply areas, transit points and routes. The kingpin or the master= trafficker appoints primary traffickers require regular flow of intelligence to identity both the supply and demand points. Therefore the master=trafficker has to depend on his reliable team of intelligence-gatherers to remain abreast of source-areas and destination or demand areas, as well.

The primary and secondary traffickers, too, have their well-define roles in the trafficking network. The main task of the primary- traffickers is to assist the master-trafficker by being active in different segments of trafficking. The smooth running of the whole network depends on their efficient functioning. The key- operators of the network are the field level purchasers or procurers who lure away the clueless girls and/or their equally clueless parents with baits of employment or marriage- proposals. The girls are then handed

over to and abused by, in turn, the transporters, the master- operators, the pimps, the members of the crime- syndicates including brothel owners, brothel managers, etc, In cases of sex-based exploitation. In cases of non-sex based exploitation, on the other hand, the girls are handed over to their employers in various sectors.

The secondary or the tertiary level traffickers are responsible for delivering human cargo to the primary traffickers. They operate at the grass-root levels, often as sellers and assist their associates to facilitate the selling of the human commodity. This group may include relatives, neighbours, friends and acquaintances of the victim, as well as local anti-social elements or pretty criminals. This group mostly acts as intelligence=gatherers and remain under the control of either the master trafficker or the primary traffickers. The main task of the secondary traffickers is to procure information about the potential victim or victims from local spots like market places, villages, railway stations, bus stops, slums and similar other points. The spotters then pass the information to the essential points of the network that utilises the information to carry out the business operation with the help of the secondary traffickers.

Studies have shown that almost half of the traffickers are female. The traffickers usually operate underground and try their best to remain unnoticed by pursuing other innocent occupations. This is much easier for male traffickers than the females. Amongst their associates, there are financiers to finance the transactions at various levels; the local toughs who provide security, the hoteliers who provide safe accommodation during transit, the transporters who provide safe or arrange transport, Para-medical persons who may care for the health of the victims during transits; officials who provide immigration clearance and security and the final exploiters and abusers who may be part of this long chain of trafficking. All the persons who coordinate to ensure smooth maintenance of the network also dictate terms in the power play of supply and demand to monitor the whole trafficking process. Studies have shown that a very high number of traffickers are young males who have inherited their business from their families. Amongst the female traffickers, many are victims of commercial sexual exploitation themselves and mostly are out of job elderly prostitutes. Apart from them, males and females from, surprisingly, any and every other occupation enters the business through their contacts and supports of various stakeholders including the police and the politicians. Trafficking involves cunning and clever plotting and so the traffickers employ various measures to make their efforts successful. The most common baits to tempt vulnerable victim are- to offer jobs as domestic helps or factory workers or in the film world; to lure them with promises of pleasure trips or to pilgrimage; to bring proposals of marriage with affluent grooms etc. Sweet talks accompanied by offer of gifts to gullible girls and use of force for the unrelenting ones are the other common methods frequently used by the traffickers at different stages of the business.

In fact, there is no fixed strategy for influencing the victims. The traffickers alter their game-plans according to the demands of the situation; the vulnerability and also the accessibility of the victims determine the method to influence them successfully.

As a regular commercial activity, trafficking is quite lucrative with low investment and assured high profit. Its cost and profit both depend on several parameters like the physical appearance, complexion, age, personality or submissiveness of the girl. The region from which the girls hail is also an important factor as girls from certain regions are more in demand by the brothel-keepers and their clients. The cost in this business includes travel expenses, bribe offered to parents and/or relatives including husbands, expenses for procuring virgin girls, commission to other agents, police and even politicians. The business is so lucrative that the traffickers, sometimes, do not even spare their daughters, sisters, cousins, nieces and even their own wives. The zone for trans- border trafficking in India includes countries like Nepal, Dubai, Muscat, Bahrain, and Bangkok, Kenya, South Africa, England and many other countries. Young girls are also trafficked to work in circus troupes by duping them with false promises of handsome salaries and prospect of glamorous lives. The girl- children of the Lambada Community of Andhra Pradesh with their very fair complexion and exquisite features are regular targets of traffickers for cross-border adoptions.

Before conclude I would like to say that trafficking is a borderless crime that involves multiple dimensions and intricate issues.

The problem involves such magnitude and so many complexities that it appears almost unpreventable though there are several national and international protocols to stop the menace and restoration of the victims. In a recently concluded trafficking case (March,2013) the Haldia Fast Track Court in West Bengal has delivered a landmark judgment by sentencing five traffickers to 10 years of rigorous imprisonment and also by imposing steeper than usual fine. The court has also declared compensations amounting to Rs.1, 02,000 and Rs, 1, 12,000 for the victims. Anti-trafficking activists believe that such sentences give out a very strong signal that the judiciary is treating the issue of trafficking with the highest priority. But at last I want to say that in spite of all legal provisions only humanity will be able to stop such crime forever.

References:

1. Chakrabarti and Chakraborty (edited)/2006- Gender Justice, volume II, Cambary.pp-275.
2. FAO (2003), Gender Key to Sustainability and food security: Gender and Development, Rome.
3. Gooneskere Savitri(ed.)/2004- Violence, Law and Women's Rights in South Asia, Sage.
4. Saxena Sobha(1995)-Crime against Women and Protective Laws, Deep and Deep publication
5. Sengupta Soma and Hajra Anindya(2007)- Pervertion of Sexual Harassment at workplace: A Handbook, Sanhita, Kolkata.
6. Sen Sankar and Nair P. M.(2005)- Trafficking in Women and Children in India, Oriental Longman.
7. Siddiqui F. E.and Ranganathan V.S.(2001)- Handbook on women and human Rights, Guide for Social Activists, Part-II, Kanisha Publishers.