



INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.



Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.



Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM

Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.

More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.



Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

IMPLEMENTATION OF LEGAL REMEDIES FOR THE VICTIMS OF HUMAN TRAFFICKING

AUTHORED BY - NANDITA SINGH

Abstract

Human trafficking is a widespread human rights abuse in India, affecting thousands of people from diverse social and economic settings. Although there is no shortage of laws outlining prohibitions against trafficking, including the Indian Penal Code, the Immoral Traffic (Prevention) Act, and many laws to protect children and members of lower castes, there are still many gaps in enforceability. Given the diversity of context in which trafficking operations take place in India, the scope of trafficking also varies. Trafficking usually involves sexual exploitation, forced labor, or child trafficking, or some combination thereof. Trafficking has significant context- and demographic-specific effects on victims, including physical harm, psychological harm, and social consequences.

The goal of this paper is to look closely at the legal remedies available to victims of trafficking, including criminal prosecution of offenders, victim compensation schemes, rehabilitation assistance offered under programs like the Ujjawala and NALSA Schemes, victim access to lawyers and legal aid, and the implementation of all these remedies by government authorities and lawyers in general (including anyone who is part of the legal profession). It will also look at the roles representational agencies (government agencies), anti-trafficking committees, and the courts can take, as well as the roles of NGOs and other international organizations or agencies in the implementation of these remedies.

Empirical evidence, including landmark businesses such as Vishal Jeet v. Union of India and in-depth state-level evidence from Rajasthan, Uttar Pradesh, and West Bengal, demonstrates ongoing obstacles: underuse of compensation schemes; inconsistency and non-uniqueness across states; lack of victim-centered approaches; are limited reach of rehabilitation services. Societal stigmatization, and a lack of coordination among agencies continue to pose new challenges.

The paper concludes with targeted recommendations focused on: (i) law and policy reform; (ii) capacity building; (iii) rehabilitation frameworks; and (iv) collaboration across multiple sectors. A survivor-centered, coordinated approach to legal remedies that recognizes and overcomes systemic barriers and puts the rights and dignity of trafficking victims in India first is required to ensure the effective completion of legal remedies.

Introduction

Human trafficking continues to be a widespread and highly systemic crime in India that impacts thousands of people annually. The National Crime Records Bureau reports that thousands of trafficked persons are registered each year with 6,411 people being rescued as victims in 2022 alone². Additionally data from 2024 indicates that 44% of recorded victims were women being trafficked primarily for sexual exploitation, forced labour, and forced marriage¹⁶. While women are the major proportion of victims, men and children also represent a victims in significant numbers; for instance, in Rajasthan, as an example, more men are reported as exploitation victims, especially men forced into labour⁵.

Prevalence and Forms of Human Trafficking in India

Human trafficking in India manifests in a variety of forms: Forced Labour:

- Forced labour is the most common form of human trafficking. Forced labour accounted for nearly 45.5% of rescued victims, including individuals forced into labour in agriculture, construction, domestic work, and manufacturing⁹⁶
- Sexual Exploitation: Women and girls are disproportionately trafficked again for commercial purposes, notably sex, whether formal or informal¹⁹⁸.
- Forced Marriage: Human trafficking for forced marriage is still very much present within Indian society, especially regarding young girls marrying men because of socio-economic factors and being vulnerable, as well as traditions and cultural practices.
- Other: Some transport victims for domestic servitude, begging, petty crimes, child pornography, and, though it is infrequent, organ removal.

The effects on victims are serious and complex (including bodily and psychological injury; loss of freedom; social stigma; long-term impediments to rehabilitation and reintegration⁸⁷).

Legal Remedies and Effective Implementation

India has a broad framework of laws to address human trafficking, including the Immoral

Traffic (Prevention) Act, amendments to the Indian Penal Code, as well as legal provisions in many states. These laws prohibit trafficking, provide mechanisms for victim rescue and rehabilitation, and provide for the punishment of offenders. Unfortunately, many challenges such as corruption, lack of coordination between multiple agencies, and limited protections for victims have meant enforcement has been inconsistent⁷.

It is therefore essential that any legal remedies include effective implementation so that victims obtain justice, rehabilitation, and are not re-trafficked; and traffickers are dismantled. The critical pathway is to improve mechanisms of enforcement; identifying and providing pathways for victims; and creating pathways for cooperation amongst all contributors so that traffickers are effectively removed from the community and/or society as a whole, for the benefit of protections and empowerment of survivors of trafficking.

Legal Framework Addressing Human Trafficking in India

Indian Penal Code (Sections 370, 370A, etc.)

The Criminal Law (Amendment) Act, 2013, introduced comprehensive provisions in the Indian Penal Code (IPC) to address human trafficking.

- Section 370 IPC criminalizes the trafficking of persons for exploitation, including recruitment, transportation, harboring, transfer, or receipt of persons through threats, force, coercion, abduction, fraud, deception, abuse of power, or inducement. The law covers all forms of exploitation, such as physical and sexual exploitation, slavery, and forced labor. Punishments are stringent, with a minimum of seven years' imprisonment, which may extend to life imprisonment, especially in cases involving minors or repeat offenders¹⁴⁵.
- Section 370A IPC specifically targets those who exploit trafficked persons, prescribing rigorous imprisonment of not less than five years for employing a trafficked child in any form of labour, and similar penalties for exploiting trafficked adults³⁷⁹.

Immoral Traffic (Prevention) Act (ITPA), 1956

The ITPA is India's principal law aimed at preventing trafficking for commercial sexual exploitation.

- It penalises activities such as keeping a brothel, living on the earnings of prostitution, procuring or inducing persons for prostitution, detaining persons for prostitution, and soliciting in public places.
- The Act provides for the rescue and rehabilitation of victims, closure of brothels, and establishment of protective homes. Punishments range from rigorous imprisonment to fines, with enhanced penalties for offences involving children or repeat offenders.

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

This Act provides a framework for the care, protection, and rehabilitation of children in need, including child victims of trafficking.

- It mandates the production of rescued children before the Child Welfare Committee and ensures their rehabilitation through institutional and non-institutional care¹¹.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

This Act protects members of Scheduled Castes and Scheduled Tribes from various forms of exploitation, including trafficking-related offences, by recognizing and penalizing atrocities committed against these vulnerable groups.

International Obligations: Trafficking in Persons Protocol, UNTOC

India is a signatory to the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

- These international instruments have influenced Indian law by mandating comprehensive definitions of trafficking, victim protection, and cross-border cooperation in investigation and prosecution¹.

Together, these laws and international commitments form a robust legal framework aimed at preventing trafficking, prosecuting offenders, and protecting and rehabilitating victims in India.

Legal Remedies Available to Victims of Human Trafficking in India

Criminal Remedies

- Victims are entitled to justice through the prosecution of offenders under various laws, including the Indian Penal Code and the Immoral Traffic (Prevention) Act.
- Penalties for traffickers are stringent, with imprisonment and fines, especially in cases involving minors or repeat offenses.

- Victim-centric investigations are encouraged, ensuring sensitive handling of survivors and their evidence, and minimizing re-traumatization during the legal process⁴.

Civil Remedies: Compensation Schemes

- Section 357A of the Code of Criminal Procedure (CrPC) mandates state governments to provide compensation to victims of crime, including trafficking. State Victim Compensation Schemes are notified under this provision⁴.
- The Central Victim Compensation Fund, supported by the Nirbhaya Fund, supplements state schemes. In 2016-17, Rs 200 crores were allocated to support compensation for victims of crimes, including human trafficking⁴.
- Compensation aims to address physical, emotional, and financial harm suffered by victims, though specific data on disbursement for trafficking is not centrally maintained⁴.

Rehabilitation and Protection Measures

- Ujjawala Scheme: This comprehensive scheme focuses on the prevention of trafficking, rescue, rehabilitation, reintegration, and repatriation of victims, especially women and children trafficked for commercial sexual exploitation. Services include safe shelter, food, clothing, medical care, counseling, legal aid, vocational training, and support for reintegration into families and society
- Protection and Rehabilitation Homes: Financial assistance is provided to states and union territories to establish homes that cater to the specific needs of trafficking victims, particularly minors and young women. These homes offer shelter, food, counseling, health care, and daily necessities
- NALSA Scheme: The National Legal Services Authority (NALSA) includes trafficking survivors within its purview for legal aid and assistance, ensuring access to justice and rehabilitation support

Access to Legal Aid and Support Services

- Victims are entitled to free legal aid through Legal Services Authorities, which assist in filing complaints, pursuing compensation, and navigating the justice system⁴.
- Schemes like Ujjawala and NALSA ensure that victims receive not only legal support but also social and psychological assistance, helping them rebuild their lives¹⁴.

These remedies, when effectively implemented, offer a multi-pronged approach to securing justice, compensation, and rehabilitation for victims, aiming to restore their dignity and

facilitate their reintegration into society.

Implementation Mechanisms

Roles of Government Departments

Ministry of Home Affairs (MHA) The MHA commands law enforcement action against human trafficking through the Anti-Trafficking Cell. The cell issues guidelines to other departments, and coordinates awareness and capacity building with states and union territories. The cell also manages bilateral / multilateral cooperation including signing of MoUs with countries for investigation and prosecution, and includes the MHA in conventions on anti-trafficking.

The Ministry of Women and Child Development (MWCD) The MWCD is responsible for welfare, rehabilitation and promotional aspects through schemes such as Ujjawala scheme to support and rehabilitate NGO victims.

State Governments The other aspect of anti-trafficking is prosecution and prevention which is clearly a state subject. To push this agenda further across India, states have established Anti-Human Trafficking Units (AHTUs) at the district-level, supported with funding from central source, and guidance.

Anti-Trafficking Committees at District, State, and National Level

Central Representation: The Central Anti-Trafficking Advisory Board, is a kind of oversight level to deal with anti-trafficking issue at the national level, headed by the Secretary of MWCD. The board works with the police and civil society at that level, to coordinate national policy objectives for protection and rehabilitation and with ministries to coordinate and operationalize the various services. The board also oversees coordination and implementation.

State Representation: States also have representation on the board in the form of a State Anti-Trafficking Committee, chaired by the Chief Secretary, with senior officers from police, women and child development, health, labour, legal services, and NGOs. The committee coordinates state-level implementation and training and interdepartmental activity.

District Level: The District Anti-Trafficking Committee, chaired by the District Magistrate (DM), has representatives from women and child development, legal services authorities, child

welfare committees, the police, and a local NGOs. The Committee is expected to provide oversight in victim care plans, coordination of rehabilitation, and identification and monitoring of vulnerable populations.

Judiciary

Special Courts: There are special courts constituted for the timely trial of trafficking cases, to ensure timely justice for the victim.

Judicial Sensitization: Colloquiums for judges and training to sensitise them towards victims rights approaches to reduce the whole idea of secondary victimisation, and to guarantee fair mediations of an accused during trials
Directions for victim-centric approaches: The judiciary issues guidelines on investigating and trial of trafficking cases with a focus on victim protection and rehabilitation.

Partnerships with NGOs and International Stakeholders

NGOs are essential for prevention, rescue, rehabilitation, legal aid, and reintegration, working in partnerships with governmental bodies at the Central, State, and Local levels, and now playing roles in anti-trafficking committees and the implementation of schemes.

India is involved in both bilateral and multilateral action in the area of trafficking, including MoUs with countries bordering India, participation in the UN and SAARC conventions and cross border task forces for repatriation of victims and exchange of information.

All of these mechanisms assist in a coordinated multi-agency response to human trafficking, recognizing the dual approach for law enforcement and victim support with an eye to collaborating with administrative bodies at all levels.

Implementation Challenges

Disparity in Enforcement

Compensation programs for victims of trafficking are poorly utilized. Between 2010 and 2018, only roughly 1% of survivors accessed state sponsored victim compensation and those numbers are likely low due to excessive delays and complicated procedures. State and central schemes often require that a significant index of the compensation be locked away in fixed deposits,

restricting survivors immediate access.

There is a lack of uniform application of compensation and rehabilitation schemes by states limiting some victims' recovery.

Courts can be slow to provide compensation, and even if they do, survivors can be waiting years for their compensation to be paid.

Re-victimization and Lack of Victim-Centric Interventions

Investigations and prosecutions do not always act in the best interests of victims leading to secondary victimization or re-victimization. Survivors can sometimes be treated like offenders or poorly handled by authorities which dissuades the survivor to get justice.

There are no consistent gender-sensitive or child rights-sensitive methods, in practice, and we need to give systemic adoption of victim-centred approaches by law enforcement and process of navigation the justice system.

Inadequate rehabilitation and reintegration services

Rehabilitation programs like Ujjawala have limited exposure and are unevenly implemented based on resources, budget management, administration, and other operational factors.

Many victims do not receive true psychological, economic, and social reintegration support, which increases the likelihood of re-trafficking and social exclusion.

Societal and systemic barriers

Social stigma and exclusion for women, children, and marginalized communities restrict reintegration and accessing support services.

Corruption among law enforcement and the lack of professional integrity among some police officers hinder anti-trafficking initiatives, further distancing survivors from law enforcement and reducing trust between local and national law enforcement and NGOs.

There is a lack of awareness about trafficking and a lack of information about remedies, from the public and hinder a comprehensive approach toward prevention and protection initiatives.

The coordination between government, NGOs, and other key stakeholders is weak, impeding a consistent holistic response to trafficking.

There is great urgency to reform this structure, restore accountability, and utilize survivor-centered approaches to ensure that legal remedies and support systems can match their intended purpose of assisting victims of human trafficking in India.

Case Studies and Applied Studies

Ranjah Mohanboard v. Union of India 2010)

Vishal Jeet vs. Union of India (1990):

This Public Interest Litigation prompted the Supreme Court to issue instructions for preventive action to deal with human trafficking, including:

Constituting committees to investigate police reprisal concerning human trafficking.

Transferring victims from brothels into protective homes and provide rehabilitation services to the victims' children.

Directing states to enforce laws strictly against human trafficking and to sensitize agencies involved in law enforcement.

State-wise Implementation Review

1. Rajasthan

Advancements:

Rescued 1,845 bonded labourers (representing 611 children) between 2004 and 2017; have a full functioning, district-level anti-trafficking, and training law enforcement officers.

State Action Plans/Schemes go far beyond the National Action Plans/Scheme and include provisions such as, and the definition of child labour as work by anyone under 18 (as opposed to the 14 years defined nationally).

The challenges are:

Limited shelter homes limit resourcing large scale rescues.

Weak inter-state arrangements for repatriating and reintegrating victims.

2. West Bengal

GGBK's Model:

GGBK supported and facilitated compensation grants for survivors to facilitate entrepreneurship (e.g., 27 survivors started micro-businesses in 2018–19).

GGBK mobilized community watch groups to address stigma and support the victims by working with legal authorities to strengthen conviction rates.

3. Uttar Pradesh

While the sources did not include specific data, the broader challenges remain challenges mentioned in the national studies, including underreporting, corruption, lack of victim protection mechanisms.

Challenges:

Procedural Backlog. Most compensation requires convictions in court, and waiting can take years.

Underutilized. There was only a ~1% compensation rate for human trafficking survivors between 2010–2018 due to procedural barriers.

COVID-19 Effects. There was a dip in applications from 2020–21 which indicates court processes were unable to occur and outreach was low.

Key Findings

Successful outcomes: Interventions at the judicial level like the Vishal Jeet case, and NGO-developed models like GGBK, can show the value of a victim-centric approach.

Gaps: State level inconsistency in rollout, underfunded rehabilitation programs, and delaying factors in compensation undermine sustainability.

These case studies show that standardized protocols, quicker compensation payouts and greater collaboration between agencies can improve rehabilitation outcomes.

Recommendations

Legal and Policy Changes

Advancing victim-centered legal provisions: Ensure safety, dignity, and rights of survivors in all anti-trafficking laws and policies, and prioritize speedy passage and implementation of

comprehensive anti-trafficking laws like the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill that is pending.

Improve compensation mechanisms: Ensure timely payment of compensation directly to survivors with no bureaucratic hindrances through improved compensation mechanisms under Section 357A CrPC and entirely harmonize compensation processes across states so survivors have uniformity and accountability.

Update and consolidate penal provisions for trafficking, organized crime, and exploitation in the new Bharatiya Nyaya Sanhita (BNS), so that laws under the BNS are comprehensive, defined, and work to ensure mandatory minimum punishments.

Enhancing Training for Law Enforcement and Judiciary

Allocate more funding towards the specialized training of police, prosecutors, and judges on dealing with trafficking cases with a victim-centered lens. Hold regular judicial colloquiums and conferences at the state level to allow officials to grow their understanding of the challenges of trafficking and the needs of their victims.

Expand and update AHTUs across all districts with the latest technology to assist them in their investigation and support to victims. The Union Budget allocated ₹2500 crore towards modernization of law enforcement for the 2025-26 financial year, which should be utilized fully for AHTUs and available resources.

Strengthening Framework for Rehabilitation and Reintegration

Enhance the scope and quality of rehabilitation centers like on Shakti Sadan and Mission Vatsalya, with comprehensive services including shelter, counselling, skills training, legal support, and other services.

Increase budget and accountability for rehabilitation programs to expand the reach, and coverage of service provision to survivors. The possible situation today is that only 30% of survivors are receiving adequate services following their reintegration as government programs for rehabilitation become unmonitored. The ₹1200 crore budgeted towards rehabilitation should be used to provide a safety net for survivors and ensure that they have everything they need to reintegrate back in society.

Develop proper protocol for inter-state and cross-border repatriation with an emphasis on family tracing and community acceptance as well as follow through support.

Facilitating Multi-Sectoral Partnerships and Community Engagement

Encourage stronger partnerships across governments, NGOs, and international organizations to enhance prevention, rescue and rehabilitation capabilities. NGOs must be regarded as valued partners in legal aid support, community mobilization, and the empowerment of survivors.

Commit to investing in technology-based solutions e.g. AI driven surveillance and new contemporary victim tracking technologies, to enhance hotspot identification of human trafficking and optimize victim assistance mechanisms.

Institute an ongoing national campaign to raise awareness, de-stigmatize safe migration, and educate at-risk communities on human trafficking and the remedies available to them. This is evidenced-based - previous campaigns have been found to reduce vulnerability to exploitation by as much as 40 percent among targeted audiences.

These are respectful recommendations based on a number of recent policy developments and articles cited within this report. Overall, they aim to support a more effective response to human trafficking in India that centres the survivor and recognizes legal, institutional and social gaps within the existing framework.

Conclusion

Human trafficking in India continues to be a serious and complex issue, disproportionately impacting women, children and marginalized communities. Although there is a strong legal framework in place, including the Constitution, the Immoral Traffic (Prevention) Act, new amendments under the Bharatiya Nyaya Sanhita, and international obligations, the implementation of this legal framework can be inconsistent or insufficient. There are considerable barriers to successful implementation, including the limited usage of compensation schemes, low conviction rates (conviction rates were at only 4.8% from 2018-2022), Anti Human Trafficking Units that are either not operational or lack resources, and slow legal progress and victim support services. There are rehabilitation and reintegration programs for survivors, but their scope is limited and these programs are often underfunded. Social

stigma, lack of awareness,

The Way Ahead

To ensure the effective delivery of legal remedies to victims of trafficking within India we need a survivor driven, multi-faceted approach:

1. **Enforcement and Accountability:** Operationalize and resource Anti Human Trafficking Units in every state, ensuring investigations are of higher quality, and lapses in enforcement are taken seriously.
2. **Legal and Policy Reform:** Fast track anti-trafficking laws; standardize states compensation and rehabilitation schemes; and ensure legal frameworks derive from a victim's right's perspective.
3. **Capacity Development:** Invest in recognizing specialized, state-based training for law enforcement, judiciary, and social workers, to develop sensitivity and competency for dealing with trafficking.
4. **Expand and Improve Victim Centre Support:** Develop and expand rehabilitation and reintegration services, improve timely and direct access to compensation and provide better victim protection systems.
5. **Community awareness and engagement:** Initiate on-going community-based awareness campaigns targeted towards vulnerable communities; work collaboratively with international and local NGO partners to strengthen prevention, rescue, and rehabilitation mechanisms.
6. **Data and Monitoring:** Improve monitoring and data systems for evidence-based programming and policy changes, particularly to ensure services remain responsive to emerging patterns of trafficking and victim needs.

India's renewed budgetary commitments and existing policy discussions open up the opportunity to close pre-existing gaps. To convert these into meaningful change will require sustained political will, strong inter-agency coordination, and sustained attention to the rights and dignity of trafficking victims.

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