

Legal Framework for Combating Human Trafficking

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ABSTRACT

A strong legal reaction is required both domestically and internationally to combat human trafficking, a serious violation of human rights that affects people all over the world. International agreements like the United Nations Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000) serve as the foundation for the legal framework aimed at preventing human trafficking. This protocol stresses victim protection, promotes international collaboration, and offers a thorough definition of human trafficking. This is complemented by a number of other conventions and the active participation of global institutions including as INTERPOL and the United Nations Office on Drugs and Crime, which are essential for capacity building and coordination.

India has established a complex legal system at the national level that includes provisions from the Indian Penal Code (Sections 370 and 371), specific laws such as the Immoral Traffic (Prevention) Act, 1956 (ITPA), and constitutional provisions. Child protection is further strengthened by special legislation such as the Juvenile Justice Act of 2015 and the POCSO Act of 2012. The Supreme Court and High Courts in particular have played a crucial role in interpreting these statutes and guaranteeing victim-centric justice through their judicial interventions.

Cross-border collaboration is still essential, particularly in areas where transnational criminal networks operate, such as the Thailand-Myanmar trafficking corridor. Despite legislative prohibitions, the efficacy of anti-trafficking efforts is frequently compromised by corruption and enforcement loopholes. A more efficient and compassionate legal strategy to combat human trafficking requires bolstering court reaction, improving victim protection, and encouraging international cooperation.

Keywords: Human Trafficking, Human Rights, Forced Labor, Organized Crime, Sexual Exploitation, International, National, Judiciary.

1. INTERNATIONAL LEGAL FRAMEWORK

1.1. Introduction

Millions of individuals worldwide are impacted by Human Trafficking, a multinational crime and a grave violation of Human Rights. For reasons including Forced Labor, sexual exploitation, child exploitation, organ removal, and servitude, it entails the exploitation of people by force, compulsion, deceit, or fraud. Because it is a cross-border issue, national laws by themselves are not enough to solve it

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International legal tools are essential for establishing universal legal norms, encouraging international collaboration, and guaranteeing that traffickers are successfully prosecuted and victims are sufficiently protected.

The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol, 2000) is the cornerstone of the global legal framework for combating Human Trafficking. It is complemented by a number of other international conventions and treaties, and a number of international organizations, including the United Nations Office on Drugs and Crime, the International Labor Organization, and INTERPOL, are actively involved in anti-trafficking initiatives. Nevertheless, there are still issues with cross-border cooperation, enforcement mechanisms, and harmonizing national laws. This chapter gives a summary of these legal tools, analyzes their efficacy, and identifies areas where enforcement is still insufficient.

1.2. United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons (Palermo Protocol, 2000)

1.2.1. Overview and Objective

The most extensive and extensively ratified international agreement addressing Human Trafficking is the Palermo Protocol, which was added to the United Nations Convention against Transnational Organized Crime in 2000. It creates a universally accepted definition of Human Trafficking, allowing for consistent criminalization and punishment in all nations. Preventing and combating trafficking, especially among vulnerable populations like women and children, safeguarding and aiding victims, and fostering international collaboration to dismantle trafficking networks are among the goals of the protocol. The protocol has had a major impact on international anti-trafficking strategies by establishing legal guidelines and promoting coordinated actions. In case *United States v. Glenn Marcus*³ the conviction under the Trafficking Victims Protection Act was vacated because some offenses occurred before the law's enactment, highlighting challenges in applying new trafficking laws to prior conduct.

1.2.2. Key Provisions

Signatory states are required to implement a number of important provisions outlined in the treaty. Human Trafficking, which includes Forced Labour, sexual slavery, servitude, and organ harvesting, is defined in Article 3 as the recruitment, transit, housing, or receiving of individuals through coercion, force, or deception for the purpose of exploitation. Countries are required by Article 5 to make trafficking and associated offenses illegal. Article 6 places a strong emphasis on victim protection and mandates that states offer legal, medical, and psychological support. While Article 10 encourages cross-border collaboration, intelligence sharing, and Law Enforcement training, Article 9 concentrates on preventative measures like awareness campaigns and educational initiatives. In order to stop traffickers from taking advantage of legal gaps, Article 11 encourages nations to improve immigration laws and visa rules, strengthening border control. These provisions collectively form a strong framework for tackling trafficking but require consistent enforcement to be effective.

The Palermo Protocol has been ratified by 178 nations; however there are significant differences in how it is being implemented. While some countries do not have clear legal definitions of trafficking, others do not punish traffickers severely. It is still difficult to identify victims because many are mistakenly labeled as illegal aliens rather as people who are being exploited. Furthermore, a lack of resources prevents victims from receiving the proper medical attention, psychological help, or social reintegration

³ 487 F. Supp. 2d 289 (E.D.N.Y. 2007)

programs. Additionally, anti-trafficking enforcement is weakened by Law Enforcement agency corruption, which permits traffickers to operate with impunity. Many nations find it difficult to properly carry out the protocol's requirements in the absence of specialized funding and more robust legal frameworks.

1.2.3. Case Law and Judicial Precedents

The ideas of the protocol have been upheld by the courts in a number of significant judgments. The European Court of Human Rights (ECHR) decided in *Rantsev v. Cyprus and Russia*⁴ (2010) that nations are required by international law to protect victims and actively investigate incidents of Human Trafficking. The verdict stressed that governments have a responsibility to look into, stop, and prosecute traffickers, and it concluded that both Cyprus and Russia were unable to stop the trafficking and subsequent death of a young woman. This case reaffirmed the necessity for more robust enforcement tactics globally and established a precedent for governmental culpability in trafficking instances. Although the Palermo Protocol offers a solid legal framework, nations must successfully incorporate its requirements into domestic legislation and maintain stringent enforcement if any progress is to be made.

1.3. Other International Conventions and Treaties

A fundamental Human Right declaration that expressly forbids slavery and Forced Labor is the 1948 Universal Declaration of Human Rights. The fourth article reads, "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." A number of international treaties intended to prevent Human Trafficking have been impacted by this clause. In a similar vein, safeguarding children from exploitation is emphasized in the 1989 Convention on the Rights of the Child. While Article 32 shields children from dangerous labor and economic exploitation, Article 35 requires authorities to take action to stop child trafficking. The core legal concepts established by these international treaties serve as a roadmap for countries seeking to eradicate Forced Labor and Human Trafficking.

Through legally binding agreements, the International Labor Organization has been instrumental in combating labor trafficking. The 1930 International Labor Organization Forced Labor Convention (No. 29) defines and forbids Forced Labor and mandates that governments outlaw and eradicate such practices. The use of Forced Labor for economic and political compulsion is expressly forbidden under the 1957 Abolition of Forced Labor Convention (No. 105). Access to justice and victim protection is further reinforced by the 2014 Protocol to the Forced Labor Convention. Furthermore, the 2005 CETS No. 197 strengthens state duties to look into and bring traffickers to justice while putting victim protection ahead of punitive measures. In contrast to the criminal justice-focused Palermo Protocol, this convention guarantees a more victim-centered approach to combating Human Trafficking. Together, these legislative frameworks offer a solid basis for international anti-trafficking initiatives, but their entire impact depends on their efficient execution. Case *Prosecutor v. Kunarac, Kovač, and Vuković*⁵ was pivotal in defining enslavement as a crime against humanity, including aspects of human trafficking, thus influencing international criminal law.

1.4. Role of International Organizations

Through victim protection programs, enforcement assistance, and legislative frameworks, a number of international organizations are instrumental in the fight against Human Trafficking. The main

⁴ 2010 25965/04 European Court of Human Rights

⁵ IT-96-23 & IT-96-23/1-A (International Criminal Tribunal for the former Yugoslavia, 2001)

organization in charge of carrying out the Palermo Protocol is the United Nations Office on Drugs and Crime, which also helps states bolster anti-trafficking legislation, provide Law Enforcement training, and enhance border security measures. By encouraging ethical hiring practices and keeping an eye on worldwide labor rights compliance, the International Labor Organization combats labor trafficking. Through its Human Trafficking Task Force, which promotes intelligence sharing and transnational operations, INTERPOL is instrumental in coordinating global Law Enforcement activities, locating traffickers, rescuing victims, and dismantling Organized Crime networks. HT breaches are also investigated by the United Nations Human Rights Council (UNHRC), which has played a key role in recording Human Right violations associated with trafficking, especially in conflict areas and humanitarian crises. By offering operational support, legal advice, and technical aid to nations fighting Human Trafficking, these groups collectively strengthen international anti-trafficking initiatives. In case *Prosecutor v. Gbagbo and Blé Goudé*⁶ although the accused were acquitted, the case addressed crimes including sexual violence, forced labor, and enslavement, contributing to the legal discourse on trafficking-related offenses in political and conflict settings.

In case *Prosecutor v. Dragoljub Kunarac et al.*⁷ the Tribunal found the accused guilty of enslavement and rape as crimes against humanity, setting important precedents for prosecuting sexual slavery and trafficking in conflict zones.

1.5. Cross-Border Cooperation and Challenges

1.5.1. Importance of International Cooperation

Cross-border collaboration is essential to effectively combating Human Trafficking because it is a multinational crime. Countries must work together to share information on victims and traffickers, carry out cooperative investigations and intelligence collection, and set up legislative frameworks for trafficker prosecution and extradition. In order to guarantee that survivors receive sufficient assistance and protection upon their return to their home nations, international collaboration is also crucial for victim rehabilitation and repatriation initiatives. However, because of disparities in legal systems, enforcement capacities, and political will, accomplishing smooth coordination continues to be extremely difficult.

1.5.2. Challenges in Cross-Border Cooperation

Effective cross-border collaboration in the fight against Human Trafficking is hampered by a number of issues, even in the face of international legal frameworks. One significant problem is the lack of collaboration amongst Law Enforcement organizations across nations, which frequently causes investigation delays and makes it difficult to identify trafficking networks. Jurisdictional issues sometimes occur because different legal systems have varied definitions and penalties for trafficking. Because some Law Enforcement personnel take bribes or ignore trafficking activities, corruption inside these institutions makes the issue much worse. The absence of legal protections for victims of Human Trafficking is another significant issue, as it deters them from coming forward for assistance or providing testimony against traffickers, making prosecutions more challenging.

1.5.3. Case Study: The Thailand-Myanmar Trafficking Corridor

One of the most well-known trafficking routes in the world runs between Thailand and Myanmar, where thousands of victims mostly women and children are pushed into Forced labor and sexual exploitation.

⁶ ICC-02/11-01/15 (International Criminal Court, 2021)

⁷ IT-96-23-T & IT-96-23/1-T (International Criminal Tribunal for the former Yugoslavia, 2001)

Traffickers continue to operate with relative impunity due to border security flaws, corruption, and a lack of enforcement, even in the face of international agreements and national anti-trafficking legislation. With false promises of work in Thailand, many victims especially those from Myanmar's conflict-affected areas end up stuck in exploitative situations. The trafficking problem in the area is sustained by the inability to fortify border security, enhance legal collaboration between the two countries, and address underlying socioeconomic vulnerabilities.

2. INDIAN LEGAL FRAMEWORK

A serious crime and flagrant violation of basic Human Right is people trafficking. Through constitutional directives, special anti-trafficking laws, and provisions in the IPC, India, a country that trafficked people use as a source, transit, and destination, has established a strong legal framework to combat trafficking. However, because to implementation gaps, agency coordination issues, and socioeconomic weaknesses, enforcing these laws continues to be difficult. This chapter examines the main laws that deal with Human Trafficking in India and assesses how well they work to stop the problem.

2.1. Indian Constitution and Fundamental Rights

Articles 23 and 24 of the Indian Constitution provide a solid framework for preventing Forced Labor and Human Trafficking. In order to guarantee that no one is forced into labor, regardless of remuneration, Article 23(1) expressly forbids Human Trafficking, beggar (Forced Labor without payment), and other comparable exploitative acts. Laws like the ITPA of 1956 and the Bonded Labor System (Abolition) Act of 1976 penalize violations of this clause. The Supreme Court broadened the definition of compelled labor in *People's Union for Democratic Rights v. Union of India*⁸, holding that it constitutes unlawful exploitation even when workers receive pay below the legal minimum. This ruling tightened laws against Human Trafficking and reaffirmed the preservation of workers' rights.

In a similar vein, Article 24 specifically addresses child trafficking for labor by outlawing the employment of minors under the age of 14 in mines, factories, or dangerous jobs. The Child Labour (Prohibition and Regulation) Act, 1986, put this clause into effect. The 2016 amendment reinforced it, making it illegal for children under the age of 14 to work in any capacity other than family businesses. Because of insufficient enforcement, child trafficking persists despite these legislative protections. In *M.C. Mehta v. State of Tamil Nadu*⁹, the Supreme Court underlined the necessity of implementing child protection legislation effectively by ordering the government to rehabilitate child laborers and stressing their right to education under Article 21A. In case *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*¹⁰ court recognized the right to live with dignity under Article 21, which includes exploitation against trafficking.

2.2. The ITPA, 1956

India's main legislative framework for stopping and punishing Human Trafficking for commercial sexual exploitation is the ITPA, 1956. In order to ensure inclusivity for both genders, the Suppression of Immoral Traffic in Women and Girls Act (SITA), 1956, was renamed the ITPA after being altered to expand its application. The Act makes some trafficking-related activities illegal. Section 3 punishes those who run brothels with a maximum sentence of three years in jail, with the maximum sentence

⁸ 1982 AIR 1473

⁹ AIR 1997 SUPREME COURT 699

¹⁰ (1981) 1 SCC 608

rising to five years for repeat offenders. Pimps and traffickers who live off the profits of a trafficked person are criminalized under Section 4, and procuring or coercing someone into prostitution is punishable by up to seven years in jail under Section 5. Coercive detention in brothels is strongly forbidden under Section 6, and prostitution in public places is prohibited by Section 7. Section 8, which formerly made soliciting for prostitutes illegal, has drawn a lot of criticism for harming rather than assisting exploited people.

Notwithstanding its goals, the ITPA has come under fire for taking a punitive rather than victim-centered stance. Instead of addressing trafficking victims as unique people in need of protection and rehabilitation, the Act frequently criminalizes them. Additionally, it fails to adequately address other types of trafficking, including Forced Labor, domestic servitude, and organ trafficking, instead concentrating almost entirely on Commercial Sexual Exploitation. Its enforcement is further undermined by the absence of appropriate rehabilitation programs. The Bombay High Court stressed the need for legal reforms to guarantee victim-centric safeguards in its 2003 decision in *Prerana v. State of Maharashtra*¹¹, holding that juvenile victims of Human Trafficking should be viewed as victims rather than offenders. This decision emphasized the ITPA's shortcomings in protecting victims of Human Trafficking, supporting requests for stricter legislation and enforcement strategies that put rehabilitation above incarceration.

2.3. IPC (Sections 370 & 371)

Sections 370 and 371 of the IPC deal with Human Trafficking; the Criminal Law (Amendment) Act, 2013 made major changes to the IPC to improve anti-trafficking efforts. Trafficking is defined by Section 370 as the recruitment, transportation, transfer, housing, or receiving of individuals for the purpose of exploitation through coercion, fraud, deception, abuse of authority, or inducement. Depending on the quantity of people trafficked and the seriousness of the offense, the provision stipulates penalties that range from seven years to life in prison. The Supreme Court emphasized the rehabilitation of sex workers who are trafficking victims in a landmark judgment, *Budhadev Karmaskar v. State of West Bengal*¹², underscoring the necessity of a victim-centric approach. Section 371 also makes it illegal to traffic in slaves on a regular basis and imposes a maximum 10-year jail sentence. Despite these clauses, enforcement issues still exist, and traffickers frequently avoid punishment because of investigative flaws and corruption in Law Enforcement.

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

By identifying trafficked children as "children in need of care and protection" and granting them eligibility for welfare and rehabilitation programs, the Juvenile Justice (Care and Protection of Children) Act, 2015, offers a thorough legal framework to shield kids from exploitation and Human Trafficking. The Act's Section 74 makes it illegal to use children for labor and imposes a maximum 5-year jail sentence. Section 75 also makes physical abuse and forced work against children illegal. Nevertheless, insufficient rehabilitation programs and gaps in child protection services still make it difficult to effectively execute the Act in spite of these legal requirements. In the 2011 case *Bachpan Bachao Andolan v. Union of India*¹³, the Supreme Court emphasized the need for more robust implementation mechanisms to protect children's rights by ordering governments to guarantee the appropriate rehabilitation and reintegration of rescued child trafficking victims.

¹¹ (2003)2BOMLR562

¹² 2011 AIR SCW 1303

¹³ AIR 2011 SUPREME COURT 3361

2.5. POCSO, 2012

A historic law known as the POCSO, 2012, was created to stop child sexual exploitation, which is frequently connected to child trafficking. Sections 3–7 of the Act criminalize a variety of sexual abuses, including severe sexual assault, penetrative and non-penetrative sexual assault, and sexual harassment of children. While Section 28 creates Special Courts for expedited trials in situations of child sexual abuse, Section 19 requires mandatory reporting of violations, guaranteeing prompt legal action. Despite the fact that POCSO has greatly improved legal protections for children, issues with its application still exist, including as court case delays and low conviction rates, which impede efficient enforcement and victim justice.

2.6. Other Relevant Laws

A practice strongly associated with Human Trafficking, bound labor was outlawed by the bound Labour System (Abolition) Act, 1976, which punishes offenders with up to three years in prison. Its efficacy is, however, constrained by inadequate enforcement, corruption, and ignorance among underprivileged people. Adolescent workers' working circumstances are regulated by the Child Labour (Prohibition and Regulation) Act, 1986, which also attempts to stop child labor in dangerous jobs. The 2016 amendment also forbids child labor for those under the age of 14, although it permits youngsters to work in family businesses. This clause has drawn criticism for opening up legal loopholes that human traffickers could take advantage of. In case of *S. Varadarajan v. State of Madras*¹⁴ court discussed the nuances of consent in cases involving minors, relevant in trafficking cases involving minors.

3. JUDICIAL RESPONSES AND LANDMARK CASES

In India, the judiciary is essential to the interpretation and implementation of anti-trafficking legislation. In case *State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain*¹⁵ court upheld the conviction of individuals involved in trafficking, reinforcing the judiciary's commitment to stringent enforcement of anti-trafficking laws. Important rulings from the Supreme Court and other High Courts have influenced laws pertaining to child labor, Forced Labor, trafficking, and sexual exploitation. The judiciary has impacted legislative changes, victim rehabilitation, and more stringent enforcement of laws through Public Interest Litigations (PILs), judicial activism, and directives to Law Enforcement authorities. But in spite of these efforts, there are still weaknesses in victim protection, court interpretation, and Law Enforcement. This chapter looks at important landmark rulings, difficulties with judicial interpretation and victim protection, and the Supreme Court's and High Courts' roles in combating Human Trafficking.

3.1. Role of the Supreme Court and High Courts in Trafficking Cases

By interpreting and upholding Articles 23 and 24 of the Constitution, which forbid child labor and Forced labor, the Indian court has taken the initiative to combat Human Trafficking. By guaranteeing the proper implementation of numerous specific laws and legal provisions under the IPC (Sections 370 and 371), courts have significantly contributed to the strengthening of anti-trafficking laws. These include the Protection of Children from Sexual Offenses (POCSO) Act of 2012, the Juvenile Justice (Care and Protection of Children) Act of 2015, the Bonded Labor System (Abolition) Act of 1976, the Immoral Traffic (Prevention) Act of 1956, and the Child Labor (Prohibition and Regulation) Act of 1986. India's legislative response to trafficking-related offenses has been reinforced by the judiciary's interpretation of these statutes, which places a higher priority on victim protection and rehabilitation.

¹⁴ AIR 1965 SC 942

¹⁵ (2008) 1 SCC 213

Courts have instructed Law Enforcement in a number of cases, stressing the importance of strictly enforcing anti-trafficking legislation. Additionally, they have demanded changes to current laws in order to close gaps and more effectively combat new types of Human Trafficking. By taking suo motu cognizance of instances pertaining to bonded labor, child trafficking, and sex trafficking, the Supreme Court has gone one step further in ensuring that state and federal governments carry out preventive and remedial measures. Policy decisions have been greatly influenced by these court interventions, which have forced authorities to enhance Law Enforcement tactics and victim assistance systems in the fight against Human Trafficking.

3.2. Landmark Judgments on Human Trafficking

A number of historic rulings from the Supreme Court and many High Courts have had a big impact on India's anti-trafficking legislation. The legal foundation for victim protection, trafficker punishment, and rehabilitation programs has been reinforced by these decisions. The judiciary has been instrumental in creating policies that tackle Human Trafficking in all of its manifestations, including child trafficking, Forced Labor, and sexual exploitation, by interpreting existing laws and constitutional requirements.

The Supreme Court tackled the crucial problem of child trafficking for prostitution and sexual exploitation in *Vishal Jeet v. Union of India*¹⁶. Given the seriousness of the situation, the Court ordered the government to take preventive actions, including rescuing and rehabilitating child victims, strictly enforcing the ITPA, 1956, and increasing the participation of social organizations and NGOs in rehabilitation initiatives. More victim rehabilitation homes were established as a result of this ruling, which also greatly reinforced the legal foundation for child protection.

In a similar vein, the Supreme Court addressed the rights and social integration of children born to sex workers in *Gaurav Jain v. Union of India*¹⁷. The Court underlined that young kids shouldn't have to deal with discrimination and stigma because of their situation. It decided that the government had to make sure these kids had access to school, jobs, and rehabilitation. This ruling strengthened vulnerable children's rights to equality and dignity and significantly influenced social welfare policy.

The definition of compelled labor under Article 23 of the Constitution was broadened in the 1982 case of *People's Union for Democratic Rights v. Union of India*¹⁸. According to the Supreme Court, compelled labor in any form—even when wages are paid—violates Article 23. The statement went on to say that low-wage exploitation is also considered Forced Labor. This ruling was essential in ensuring that labor trafficking and bonded labor were acknowledged as constitutional offenses and expanding the scope of Human Trafficking beyond merely sexual exploitation.

*Budhadev Karmaskar v. State of West Bengal*¹⁹ was another important decision that addressed the rehabilitation of sex workers who had been trafficked. In order to ensure that trafficked sex workers have access to education and career prospects, the Supreme Court ordered the government to develop comprehensive rehabilitation programs. By highlighting the importance of empowering and reintegrating victims into society instead than criminalizing them, this ruling supported a victim-centered strategy in Human Trafficking cases.

A Public Interest Litigation (PIL) was filed in *Prajwala v. Union of India*²⁰ to draw attention to the inadequacy of the current anti-trafficking legislation and the pressing need for more robust legal

¹⁶ 1990 AIR 1412

¹⁷ [1997] 8 SCC 114

¹⁸ 1982 AIR 1473

¹⁹ 2011 AIR SCW 1303

²⁰ 2015 0 Supreme(SC) 1263

frameworks. The Supreme Court directed the government to prepare a comprehensive anti-trafficking bill in recognition of the inadequacies in victim protection and enforcement. The Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2018 was drafted as a result of this case with the goals of enhancing victim rehabilitation programs, toughening penalties for traffickers, and bolstering legal protections.

India's approach to victim protection, Human Trafficking, and Law Enforcement has been significantly impacted by these historic rulings. But issues with judicial interpretation, application, and enforcement still exist, necessitating ongoing reforms to guarantee prompt justice and thorough rehabilitation for victims of Human Trafficking.

3.3. Challenges in Judicial Interpretation and Victim Protection

There are still a number of issues with the judicial interpretation and application of anti-trafficking legislation in spite of these historic decisions.

3.3.1. Delayed Justice and Low Conviction Rates

Low conviction rates and delayed justice are two of the main challenges. Due to legal backlogs, trafficking cases can take years to conclude, causing victims to endure protracted trauma and enabling traffickers to evade punishment. The lack of hard evidence, witness intimidation, and inadequate Law Enforcement agency collaboration are the key causes of the startlingly low conviction rates that persist today. Due to witness tampering and inadequate victim protection procedures, traffickers avoid punishment in a number of cases under Section 370 IPC, making it challenging for survivors to testify against their offenders.

3.3.2. Conflict between Victim-Centric and Punitive Approaches

The tension between victim-centric and punitive tactics is another important problem. It has been argued that the ITPA, 1956 criminalizes trafficking victims instead of traffickers. For example, sex workers have been arrested under Section 8 of the ITPA rather than being treated as victims who require protection and rehabilitation. Legal difficulties persist despite courts' ongoing turn toward a victim-centered approach, which frequently results in laws being misunderstood and abused against trafficking survivors.

3.3.4. Weak Rehabilitation and Compensation Mechanisms

The legal system is further weakened by the absence of efficient rehabilitation and compensation programs. Despite orders from the Supreme Court, many victims of Human Trafficking do not obtain the appropriate rehabilitation. Because victim compensation programs are poorly funded and executed, survivors are forced to return to exploitative situations because they lack the financial and emotional support they need. For instance, the Supreme Court ordered states to guarantee appropriate rehabilitation for victims of child trafficking in *Bachpan Bachao Andolan v. Union of India*²¹; nevertheless, implementation is still inadequate, depriving many survivors of the support networks they require.

3.3.5. Corruption and Law Enforcement Gaps

LE deficiencies and corruption continue to be significant obstacles in the fight against HT. Corrupt officials frequently assist trafficking networks in their operations, making prosecution challenging. Coordination between Law Enforcement authorities is difficult, especially when cross-border trafficking is involved. Inadequate legal assistance, threats, and intimidation are commonplace, deterring victims from pursuing justice. Because of lax Law Enforcement and a lack of aggressive investigations,

²¹ 2011 AIR SCW 1303

traffickers frequently evade penalty in cases under the Bonded Labor System (Abolition) Act, 1976. To effectively address Human Trafficking in India, these systemic flaws underscore the urgent need for improved victim protection frameworks, improved interagency cooperation, and stronger enforcement measures.

3.4. Strengthening Judicial Responses

A number of significant improvements are necessary to enhance the way that courts respond to Human Trafficking. First, in order to ensure rapid trials and reduce the legal backlog that now hinders victims' access to justice, fast-track courts should be formed to handle cases involving Human Trafficking. Second, victims must have better access to legal aid and witness protection, which will safeguard them from traffickers' intimidation and enable them to seek justice fearlessly. The ITPA, 1956 was amended to refocus its emphasis from punishing sex workers to prosecuting traffickers and Organized Crime networks engaged in exploitation, which is another crucial change. In order to keep survivors from relapsing into exploitative situations, mandated rehabilitation and compensation should also be implemented. This would guarantee that survivors automatically receive financial, psychological, and vocational support. Lastly, to eradicate corruption in trafficking investigations, improve inter-agency cooperation, and fortify global efforts to successfully battle trafficking networks, tougher Law Enforcement and better cross-border coordination are required. India's capacity to stop Human Trafficking, safeguard victims, and bring criminals to justice would be greatly improved by these extensive institutional and legislative reforms.