

Chander Mohan Gupta *Editor*

Financial Crimes

A Guide to Financial Exploitation in a
Digital Age

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Contents

1 Human Trafficking and Profiteering: Analyzing Its Exploitative Angle Through the Financial Lens	1
Rebant Juyal and Midhun Chakravarthi	
2 Nexus Between Illegal Wildlife Trade and Financial Crime: How to Counter It? A Case Study in Southeast Asia	19
Aryuni Yuliantiningsih, Baginda Khalid Hidayat Jati, Daniel Jonathan Parluhutan, and Rohaida Nordin	
3 The Financial and Systematic Fraud: An Analytical Study	35
Jagdish W. Khobragade and Simran Bais	
4 Financial Crises in Sri Lanka: In Search of Reasons, Sufferings, and Way Forward	49
Debasish Nandy, Abdullah-Al-Mamun, and Saifullah Akon	
5 Controlling Corruption and Economic Crime in Developing Economies: A Critical Analysis	67
Baidya Nath Mukherjee	
6 Money Laundering Through the Arbitral Process: Controversial Issues Wait for Solutions	77
Jaffar Alkhayer and Narinder Gupta	
7 Online Fraud	97
Kanahaiya Lal Ambashtha and Pramod Kumar	
8 Cryptocurrency Fraud: A Glance into the Perimeter of Fraud	109
Namrata Kothari	
9 Blockchain and Cryptocurrency Frauds: Emerging Concern	131
Apoorva Thakur	

10	Cyberspace and Economy: Analyzing the Impact of Contemporary Cyberthreats on the Global Financial Order	147
	Rebant Juyal	
11	The Impact of Accounting Fraud Which Leads to Financial Crimes: Accounting Fraud	165
	Yana Ustinova	
12	Models to Study the New Age Financial Crimes	191
	Chander Mohan Gupta	
13	The Regulatory Landscapes of Ponzi Schemes in India: With Special Reference to the State of Tamil Nadu	215
	E. Prema and V. Shyam Sundar	
	Index	229

Chapter 1

Human Trafficking and Profiteering: Analyzing Its Exploitative Angle Through the Financial Lens



Rebant Juyal and Midhun Chakravarthi

Introduction

Human trafficking is a global phenomenon that has grown exponentially in recent years. It is fuelled by poverty, despair, war, crises, and ignorance, as well as the unequal status of women in many societies. The globalization of the world economy has allowed traffickers to expand their reach across international borders with ease. Despite the efforts taken by governments like India to combat this crime, trafficking gangs have become more organized and are now engaging in newer forms of trafficking, such as forced labor and slavery.

The consequences for those trafficked can be devastating; victims often suffer physical or psychological abuse at the hands of their captors while being denied basic rights such as education or healthcare services they need to live healthy lives upon release from captivity. In addition to this suffering inflicted on individuals caught up within these systems, there exists an economic cost associated with fighting trafficking, which includes funds spent on law enforcement activities needed for investigation and prosecution along with money allocated toward rehabilitation services provided for survivors once freed from bondage situations. Governments around the world must make a concerted effort if we hope to make any headway into

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eliminating modern-day slavery through effective anti-trafficking policies that focus not only on punishing perpetrators but also providing assistance programs tailored toward helping survivors recover from traumatic experiences endured during captivity periods, so they may move forward into productive lives free from fear or exploitation. Only then will we begin making progress against what remains one of humanity's most significant challenges today, which is ending human trafficking once and for all.

Human trafficking thus remains a monstrous crime that has devastated the life, liberty, dignity, individual autonomy, and human rights of several people of the society for centuries. It involves transporting people from one place to another for exploitation and slavery, with traffickers often being known to their victims. Despite several laws and international instruments in place to govern human trafficking, there is still a spike in cases due to the lack of proper implementation of these regulations.

Though it has only been in the past few decades that laws have been enacted to punish offenders, this crime continues to be accepted globally as an egregious violation of human rights and dignity. The United Nations Office on Drugs and Crime (UNODC) recently released its fifth Global Report under the 2010 Global Plan of Action to Combat Trafficking in Persons (United Nations Office on Drugs and Crime, 2020). The relevant report coincides at the time of catastrophic vulnerability emerging on account of the disastrous impact of the global pandemic, with many countries facing extreme poverty levels and vulnerable populations being exposed to sufferings more than ever before (Hiscott et al., 2020; Madhav, 2017). Women and children are particularly affected by these changes, making them easy targets for traffickers seeking exploitation opportunities during times of crisis or uncertainty (Blake & Wadhwa, 2020).

In response to the diversely incriminating challenges, UNODC has taken up numerous initiatives aimed at tackling human trafficking across borders through increased coordination between governments worldwide as well as enhanced public awareness campaigns concerning the detriments associated with the said crime. These efforts include strengthening legislation related to prosecution against traffickers, improving victim identification processes, providing assistance services tailored toward victim's needs, supporting data collection activities related specifically toward understanding trends better, increasing collaboration among international organizations concerned with combating trafficking networks, etc. Additionally, they also provide technical assistance programs which help build capacity within national law enforcement agencies responsible for investigating cases involving trafficked persons, so they can effectively address such crimes while respecting the fundamental rights of those affected by them too.

When we look at human traffickers as a whole, it becomes quite difficult to segregate them into single one-time offenders or repeated offenders or an accomplice during trafficking. However, the Indian legislation consists of provisions to deal with all kinds of human trafficking that occurs. Victims who become easy targets for traffickers come from very poor economic backgrounds due to which many cases go unheard and the law turns a blind eye to these unseen victims. Rather than focusing

on the crime and the victims which has been done so on many occasions previously, the chapter aims to focus on the profiteering aspect of human trafficking from the lens of traffickers. While focusing on the traffickers, an attempt is made to answer some of the questions as to why people become traffickers and commit this crime and the reason and motive for people to turn into traffickers.

It can be seen that the traffickers are often known to the victims and it is more likely that the perpetrator of the crime is done by someone who is close to the victim. Despite several laws which are in place to govern human trafficking in India, there is a spike in the number of traffickers and cases. Though there are several provisions in place along with international instruments, there is a lacuna in the implementation, and a lengthy process for trial grants a safe passage for the traffickers to go scot free from the clutches of law.

Traffickers deploy several means of transporting their victims from one place to another, either for the purpose of exploiting them or to sell them either to criminal gangs or prostitution or to other human trafficking rackets. Among other means of transportation, trafficking through the ocean remains the cheapest and least challenging mode. However, due to the space constraints, traffickers confine victims in cramped spaces without food or enough room to breathe, making it extremely difficult for some of them to even make it to the destination. This therefore has led to transnational organized crimes and also trafficking in the oceans for which there are few provisions in the UNCLOS though it is insufficient to deal with the vast matrix of criminal activities occurring in the ocean due to the large area as compared to land wherein the perpetrators cannot be located easily nor can they be caught. This is another advantageous feature that traffickers have while transporting their victims through the seas; that is because of the vast area, and since they are mostly well acquainted with the terrain, it becomes easier for them to transport the victims without much hassle.

The fight against human trafficking warrants sustained commitment from all stakeholders involved, that is, government authorities, civil society organizations, businesses, and others.

Human Trafficking

The crime of human trafficking which patently remains an iniquitous crime finds its mention in varied legal instrument; however, Article 3 (a) of the Trafficking in Persons Protocol of the United Nations defines human trafficking that is “trafficking in persons” as:

Recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or the 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Human trafficking remains a well-organized and well-structured criminal enterprise. Migrants must be transported a long distance, have a coordinated strategy for each stage of the crime, and have a great quantity of money to pay for it. This consequently warrants the necessity of enormous resources. However, even after investment of huge resources for effective execution of the heinous crime, human trafficking is a lucrative criminal enterprise, with an estimated annual revenue of \$32 billion, making it the third most profitable business for organized crime behind drugs and the arms trade (Barnato & Schlotterbeck, 2013). Narcotic trafficking is often linked to human trafficking because both involve the use of the same individuals and methods to enter a country. Human trafficking is one of the most rapidly expanding illicit enterprises. To legitimize their profits, traffickers turn to additional illegal operations including laundering money earned from forced labor, the sex industry, and the drug trade. Migrants and family members still in the country of origin are threatened with deportation, travel documents are seized, or violence is used to illustrate the traffickers' authority over the migrants and their loved ones (Wooditch & Steverson, 2021).

Types of Human Trafficking

Human trafficking as previously described in the chapter stands as one of the most profitable crimes in the world. The profiteering of the crime has grown into a 150 billion dollar industry (Niethammer, 2020). In addition to being a profiting criminal enterprise, the crime has diversified itself into various dimensions and forms; that is, human trafficking today exists in various types. This portion of the chapter discusses different types of human trafficking existing in the society.

Sexual Exploitation and Sex Trafficking

Sexual exploitation is a heinous act that involves taking advantage of a victim's vulnerabilities and dependence for sexual favors. This despicable behavior is characterized by an abuser who preys upon a victim to be exploited in sex trafficking who is reliant on them for their survival. The perpetrator often entices the victim by using their own needs, such as the promise of power or trust, or exploiting their socioeconomic status. In some cases, the perpetrator may even use drugs to manipulate and exploit their victim (Meshelemiah & Lynch, 2019). This type of behavior is not only morally reprehensible but also illegal and has no place in a just and compassionate society. In terms of sexual exploitation, we can classify it into two major parts. Commercial sexual exploitation (CSE) will lead to the one predominant way of sexual exploitation which can take the form of prostitution, and all other forms will fall into another category (Kulish et al., 2019). One of the most common and easily accessible targets of sexual exploitation is undoubtedly women and children (Dalla et al., 2022).

Exploitation of Labors

Labour exploitation is the mistreatment of employees for financial gain. When we view things through a financial lens, the advantage is not always in maximizing our profits or earning more cash; it can also come from paying our workers extremely little or nothing at all to complete our tasks, with the benefit going to the owner of the workforce. Such exploitation also continues with forcing people to work as bound laborers or slaves, as well as punishing them for not functioning and pushing them to perform to pay off their loans. They may engage into contracts with their approval for that reason. The employee will work for lengthy periods of time at the employer's house, with specific limitations and little remuneration. People may be forced to perform a sexual advance through the use of violence or coercion by domestic employers (Interpol, 2022).

Exploitation for Forced Marriages

Forced marriages are a form of human trafficking that involves a situation where one person possesses power over another for the purpose of exploitation. This form of human trafficking occurs when a family or an individual forces someone into marrying another person without their voluntary consent. In such cases, one or both parties do not willingly agree to the marriage, and the victims are subjected to compulsion, abuse, or pressure. Forced marriages can lead to physical, emotional, and psychological harm and can be a significant violation of human rights. It is crucial to understand the nature and consequences of forced marriages to provide support and protection to the victims and hold the perpetrators accountable for their actions. Governments, civil society organizations, and communities must work together to prevent and address forced marriages and ensure the dignity and rights of all individuals. No matter how old the person is, when someone is coerced into marriage, their rights and liberties are inevitably violated. Parents or other family members may drive a person into marriage under the guise of social or economic pressure without the person being aware that they are also committing a horrendous crime and joining the ranks of traffickers or perpetrators. Due to the drop in female sex ratios in countries like India, the traffickers used to sell girls for the purpose of marriage as well.

Illegal Activities

Human trafficking as an illegal and inhumane practice involves the exploitation of vulnerable individuals, who are forced into labor or sexual servitude against their will. Traffickers traffic people for several illegal activities by luring them over their vulnerabilities. This type of trafficking allows criminal networks to benefit from a

wide range of illegal operations without taking any risks. Victims are compelled to engage in a variety of unlawful actions such as theft, drug production, counterfeit goods sales, and forced begging in order to earn money for their captors. These activities can be extremely dangerous as victims frequently have objectives they must meet or face serious consequences if they fail (Interpol, 2022).

Exploitation for Organ Trade

Organ trafficking is a global issue that has been gaining increasing attention in recent years. According to the Global Financial Integrity (GFI) estimates, 10% of all organ transplants including the lungs, heart, and liver are done via trafficked organs. However, the most prominent organs that are traded illicitly are the kidneys with the World Health Organization (WHO) estimating that 10,000 kidneys are traded on the black market worldwide annually or more than 1 every hour (Campbell & Davison, 2012). This crime often takes advantage of vulnerable individuals who need an organ transplant due to long processing times for legitimate donations. Criminals may take advantage of these needs by performing surgery without medical consent which puts victims' health if not their lives at great risk as well as taking payment from desperate patients for illegal procedures and services. The need for organ transplants is expected to increase significantly in coming years due to aging populations and rising rates of diabetes among wealthy nations making this crime far more profitable than ever before unless urgent action is taken against it.

Exploitation of Children

Children exploitation in various forms is a big problem in human trafficking; children are most vulnerable and in great demand for specific objectives. Though minors are subjected to many forms of trafficking, certain aspects stand out. For example, there has emerged a form of virgin trafficking in which purchasers seek for little females who have recently hit puberty. Militant groups also compel, threaten, or force children to become child soldiers.

Online Exploitation for Trafficking

Human traffickers use Internet technology at every stage of their illegal actions, including deceiving individuals with false employment offers and promises and ultimately using them for profit. Victims are targeted and recruited using social media and online dating platforms where personal information and facts about

people's whereabouts are widely obtainable (Satapathy, 2022). These are the types which pave the traffickers to exploit their needs from the traffickers, and there is no wonder we can expect new other different types of human trafficking in coming days.

Human Traffickers and Their Strategies

Human traffickers are those who attract their victims using threats of violence, deception, or other forms of compulsion in order to exploit them. Human traffickers remain active in society and build societal communities and strong links resulting in networks across countries, thus making them a well-organized crime. Traffickers may include recruiters, organizers, document forgers, and other professionals who facilitate the process of exploiting victims for their own gain. Victims are often coerced into these activities by threats or promises made by traffickers; they are then subject to physical abuse and psychological manipulation so that they remain under control throughout the period of captivity. This has devastating effects on its victims both physically and mentally, leaving them traumatized long after their ordeal has ended.

How Do Traffickers Deal with Their Victims?

Traffickers target vulnerable persons primarily because the traffickers are able to fulfill what these people lack. This makes these vulnerable groups easy targets for traffickers. They lure their victims with material assistance, such as a place to stay, basic amenities such as clothing and food, and also an opportunity for growth in some cases. Apart from this, some traffickers also provide emotional support and in most instances a sense of belonging which many of these vulnerable targets lack. However, this does not necessarily mean that traffickers do not resort to kidnapping the victims and forcing them into exploitation.

Traffickers also employ a variety of methods to control their victims lest they leave them. One of the most common tactics includes physical and emotional abuse combined with threats. They also ensure that their victims remain isolated from friends and family and do not try to make new acquaintances. Apart from this, traffickers make sure that the victims stay dependent on them financially, thus exploiting them economically. They make promises aimed at addressing their needs in order to impose control which in turn leads to the victims being trapped in this vicious cycle and fear leaving the safety provided by their kidnappers. The fear created in the minds of the victims by the traffickers are psychological trauma, fear of torture and threat to life, guilt and shame, emotional attachment, and also in some cases threats against their family.

Perspectives of Human Trafficking: Various Types of Traffickers Involved in Trafficking of Persons

When we look at traffickers as a whole, there are various categories in which people operate as traffickers. Some may act alone on their own which amounts to small scale trafficking. The second type is opportunistic associations of traffickers in which there will primarily be two traffickers operating together but they will not be working in a systematic way and may limit to only one crime or trafficking for only one time. The third is the business enterprise type wherein there will be three or more traffickers who will be systematically engaged in trafficking persons as the sole component of criminal activities. The final mode of traffickers is the governance type wherein the traffickers will be belonging to a particular community or territory and they will be governing that area usually by means of fear and violence and they will be involved in various illegal activities.

Trafficking of persons is just one of the crimes committed by the traffickers in a well-organized group. They are also involved in other crimes, and in many cases, all the crimes are interrelated and go hand in hand. For instance, these crime gangs engage in drug trafficking, money laundering, transnational crimes, and other forms of illegal activities.

Modus Operandi Adopted by Traffickers for Trafficking

Recruitment

Human trafficking is a meticulously organized operation that necessitates the traffickers' mastery in brainwashing and gaining the girls' trust. In this method, the traffickers first find and entice the victims; nowadays, recruitment is primarily done online through employment agencies, with false promises of jobs and compensation, as well as phoney romantic relationships and adoption. To combat illegal emigration and prevent vulnerable groups from being exploited, as well as those who have been victims of human trafficking, the central government has launched a number of programs, particularly aimed at women and girls. Since 2016, the Indian government has made it essential for all female workers with ECR (Emigration Check Required) passports to obtain emigration clearance in order to work in 1 of the 18 ECR nations. This can only be done through one of six state-run recruiting agencies. The foreign employer must make a deposit of USD 2500 in order to hire people directly. Since June 2015, foreign employees have been required to register in the e-Migrate system.

The Indian government has taken a number of steps to combat illegal emigration and protect vulnerable groups from exploitation. Most notably, the central government has implemented several programs specifically targeted at women and girls in order to prevent human trafficking. In 2016, all female workers with ECR passports

were required to obtain an emigration clearance before they could work in 1 of the 18 countries that are part of this agreement. This can only be done through one of six state-run recruiting agencies after a foreign employer makes a deposit of USD 2500 for hiring people directly. Additionally, since June 2015, there is also an e-Migrate system which requires foreign employees to register as well as provide their personal information such as name and address, etc. prior to entering any country under ECR scheme or working abroad on employment basis.

These measures have been successful so far in protecting vulnerable populations by preventing them from being exploited while travelling overseas or even within India itself by unscrupulous employers who take advantage of their lack of knowledge about legal procedures when it comes to immigration laws. The Indian government's efforts have not gone unnoticed either; many international organizations such as the UN Women have praised its initiatives aimed at tackling illegal migration while providing safety nets for those affected by human trafficking across the globe.

Transportation

The victim is transported from the place of origin to the destination when consent is obtained, whereupon they are sold either at market rate to the subsequent trafficking ring in the line of command or directly to the purchaser. The routes chosen by traffickers are those where corrupt politicians are stationed, which could be a 30-year age restriction that has been implemented by the Indian government for all female emigrants using ECR passports to work abroad in Gulf countries, with the exception of nurses.

Documentation

The smuggling of human traffickers into another nation sometimes involves the use of fake documents such as visas and identification cards, as well as passport fraud involving corrupt diplomats in embassies.

Exploitation

According to supply and demand, the methods used to exploit victims vary greatly from one country or region to the next. Trafficking victims are exposed to a variety of human rights breaches, including bonded labor, modern slavery, domestic slavery, prostitution, surrogacy, and organ transplantation. When victims revolt, they are degraded through various methods like persuasion, mental torment, and physical

torture, among others. In the last stage, the victims are compelled to acknowledge and obey the conditions. The victims are constantly being moved by the traffickers, which is one of the reasons it is tough to track them down. The network will be difficult to break up since the trafficker would be one of us, working another job in addition to the illegal commerce.

Motive for a Person to Become a Trafficker

People become involved in human trafficking for a variety of reasons. In fact, comprehending the motivations and conduct of perpetrators is critical in any endeavor to prevent and eradicate human trafficking. It is commonly considered that monetary gain motivates people to commit these crimes. Nonetheless, this hypothesis hasn't been thoroughly tested. There is currently only a small amount of research devoted to determining the causes or incentives that drive people to commit or engage in human trafficking.

The most prevalent motivation given for those committing trafficking is for financial and economic gain, as it is typically considered a part of organized crime. People want financial gain for a variety of reasons, including poverty, maintaining a lifestyle, a means of easy cash, as well as the desire to make a lot of money. Poverty and a lack of job possibilities have been shown to lead people to take part in and perpetuate human trafficking.

Another factor driving people to exploit others was a desire to amass significant money. When trafficking is regarded as an organized criminal issue, the large profits to be obtained are always cited as the primary motivator for people to participate in this crime. Despite the fact that many people engage in this criminal activity for the only purpose of surviving, the desire to make a lot of money is nevertheless present in some cases. One example can be found in Israel, where some drug traffickers were motivated by a desire to get wealthy, while others were motivated by a desire to improve their financial situation. Traffickers frequently denied having any intention of exploiting or having done so. The dispute is that what they did was human trafficking, and they believe that they did nothing illegal and were just dragged along by circumstances beyond their control. People may commit trafficking offences without realizing it due to a lack of legal awareness or knowledge about what constitutes human trafficking.

Human Trafficking in India

Human trafficking for the purpose of sexual exploitation has become an increasingly common occurrence all over the world. India is no exception; it is second only to China in terms of human trafficking numbers and victims (Kang, 2017).

Trafficking involves people being unlawfully transported from one place to another, often against their will, with a view toward exploiting them for sex or labor purposes.

The scale of this problem in India is huge; according to estimates from the Walk Free Foundation Global Slavery Index 2014, there are 14 million victims across the country who have been subjected to various forms such as bonded labor, domestic slavery, forced marriage, and child labor, among others (Wang, 2020). This issue requires urgent attention due its detrimental impact on both individuals and society at large. Inadequate police departments and low rates of prosecution and large quantum of profits provide motivation to traffickers with minimal risks.

One of the major reasons for trafficking of persons in India is for sexual exploitation. Millions of individuals in India are exploited by traffickers for commercial sex. Under the Yogini System which was an ancient tradition followed in India, Dalit females as part of ceremony were “married” to a local temple deity but are actually employed as sex slaves by higher caste people as a form of sexual exploitation for scheduled caste women and girls. Women and girls from India are the primary victims of sex trafficking, although traffickers also illegally recruit women and girls from Nepal and Bangladesh. Women and girls from Central Asian, European, and African countries are also exploited in commercial sex, particularly in Goa state. According to NGOs, victims of internal trafficking in western India come from practically every state. A growing number of traffickers are exploiting women and minors in sex trafficking outside of typical red-light districts, such as tiny hotels, vehicles, huts, and private residences. According to media reports, women and children are increasingly being recruited for commercial sex via social media platforms such as mobile dating apps and websites. Traffickers execute transactions via encrypted digital communication platforms, allowing them to avoid detection by law authorities (UNODC, 2021).

Women and girls in India are subjected to a variety of human rights violations, including commercial sexual exploitation, arranged marriages, forced labor, and debt bondage. The prevalence of these issues is particularly high in areas where the gender ratio is heavily skewed toward men. Women and girls from neighboring countries are also trafficked into India for sexual exploitation, while Indian women may be trafficked to the Middle East for similar reasons. Additionally, many Indians willingly migrate abroad with hopes of finding employment only to become victims within their destination country’s human trafficking industry. The root causes behind this alarming situation can be traced back to widespread poverty levels across India coupled with low educational attainment rates among its population – both factors that contribute significantly toward perpetuating such forms of abuse against women throughout the nation’s borders. To address this issue effectively requires an integrated approach involving multiple stakeholders ranging from government authorities down through civil society organizations as well as international bodies such as the UNICEF who have been actively working on initiatives aimed at eradicating child labor practices within Indian communities since 1999.

As mentioned earlier, trafficking of persons for various purposes has been occurring for a long time; however, just like every other aspect of life which became affected by the COVID-19, human trafficking also picked up pace (Lal, 2021).

During the pandemic of 2020, when women and children became easy targets for traffickers and also since there was a huge financial loss, trafficking became one of the easiest modes of earning money. Deprivation, starvation, hunger, and lack of basic amenities for sustenance on a day-to-day basis were the plight of most of the working population in several states. Due to loss of job opportunities, many of these people became the prey for the vicious cycle of debt and predatory interest rates which triggered decades of intergenerational bondage. Children were eventually forced out of school to support the family by working as a daily wage earner. This speaks volumes about the mindset of traffickers and why they resort to committing these crimes. Sometimes it may also be the case that it is out of necessity that traffickers commit the crime. The situation in India was such that over 39 crores of unorganized and migrant workers who are outside the socioeconomic umbrella became the most vulnerable and this in turn led to becoming the easiest target for the organized crime network of human trafficking.

Legal Framework Regulating Human Trafficking

Human trafficking has been considered as one of the worst crimes against humanity, and traffickers who resort to such crimes are punished taking into account the gravity of the crime. Every country has its own way in dealing with traffickers, and before a legislation is enacted, the law always takes into account the socioeconomic and other related aspects into place. Every legislation which has been enacted till now has always been from the point of view of the victims. It is true that the sufferers must be compensated and justice should be delivered as their rights have been violated and more than that the mental anguish and pain that they must have gone through. However, even the traffickers are humans, and nobody is born a criminal which makes it even more critical to understand what factors forced these people to turn into traffickers and to understand the motive behind the crimes despite there being stringent laws against trafficking.

The issue with the legal framework enforceable in the Indian republic is that it is fragmented and there is no comprehensive umbrella under which the variety of crimes under trafficking can be dealt with. With a plethora of legislations and provisions, it becomes easy for traffickers to find loopholes and escape the justice system through technicalities. The term trafficker has not been defined in any of the legal instruments in so much as there is no definition for a murderer or a rapist. However, it is necessary to have a clear understanding on who can be considered a trafficker and what are the requisites for a person to be labeled as a trafficker.

The Indian Penal Code contains provisions for human trafficking and the punishment for the crimes committed under the umbrella of trafficking of various persons. As part of the Criminal Law (Amendment) Act 2013, which was passed last year, Section 370 of the Indian Penal Code was replaced with Sections 370 and 370A IPC, which establish comprehensive penalties for all forms of human trafficking, including the trafficking of children for the purpose of sexual or physical

exploitation, slavery, or the removal of organs for biomedical experimentation. For those who exploit victims of human trafficking for labor, the Amendment Act falls short. If you know or have cause to think that an individual has been trafficked and engage in sexual exploitation of that individual, you will be penalized by imprisonment for a period of 3–5 years and a fine. The Amendment Act, on the other hand, does not impose a similar penalty on those who participate in physical exploitation of such victims. As was said above, most of the people who are trafficked in India are forced to work. In India, the bulk of trafficking victims are not protected by Section 370, which forbids them from having sexual relations with other trafficking victims.

The Anti-trafficking Bill, 2021, introduced in the Indian Parliament, was an effort to address the serious issue of human trafficking. It proposed strict punishment for traffickers and rehabilitation of victims staying in shelters. However, it failed to take into account those who need assistance beyond these basic measures. Healthcare services, legal aid, welfare programs, and employment opportunities are essential for a successful reintegration process back into their communities and families – something that cannot be accomplished with just criminal law enforcement alone.

Furthermore, international human rights experts have raised concerns about this bill as it does not adhere to global standards set by UN bodies such as linking sex labor with migration or other forms of exploitation associated with trafficking activities like forced labor or child marriage without providing any protection against them. This is why there is a strong demand from civil society organizations for community-based rehabilitation models which can provide holistic support rather than focusing solely on criminal prosecution measures only addressing one aspect of this complex problem.

Ultimately while India's efforts toward curbing human trafficking should be appreciated, more comprehensive policies must also be implemented if we are going to truly tackle the root causes behind this heinous crime – poverty coupled with gender inequality which often leads people into vulnerable situations making them easy targets for traffickers preying on their desperation.

India's existing laws and practices do not meet the country's obligations under the UN Trafficking Protocol to take steps for prevention of human trafficking. The Immoral Traffic (Prevention) Act (ITPA), 1956, which is primarily focused on punishing and rehabilitating traffickers, does not have jurisdiction over establishing an agency outside of its enabling law. Furthermore, it only makes a passing reference to preventive measures against human trafficking; it does not address any other form of exploitation or abuse in this regard. Similarly, the Bonded Labour Act, 1976, also fails to provide protection provisions for victims of human trafficking despite its Preamble stating that "to avoid exploitation of weaker sections" eradication of the bonded labor system should be done. It is therefore imperative that India adopts more stringent measures toward prevention and protection from such crimes if it wishes to fulfill its duties under international protocols like the UN Trafficking Protocol.

The Constitution of India is the backbone of our legal regime, and it contains several articles which protect citizens against exploitation. Article 23 explicitly prohibits traffic in humans and beggars, making this practice punishable under law. Additionally, Article 24 specifically protects children below age 14 from working in hazardous environments such as factories or mines. These two articles are integral to protecting vulnerable individuals within society from exploitation and human trafficking.

Administrative Measures and Interventions

India has taken a step ahead in combating human trafficking and ensuring that the real traffickers are caught and punished accordingly (PTI, 2020). To combat human trafficking, India has established the Anti-trafficking Nodal Cell, which was established by the Ministry of Home Affairs (MHA) (CS Division) in 2006, to communicate various decisions and follow up on action done by the state governments. Antihuman trafficking units in every state and UT are coordinated on a regular basis by MHA and their appointed nodal officers.

Another initiative taken by India to improve the effectiveness in tackling the crime of human trafficking and to increase the responsiveness of the law enforcement machinery is by issuing advisories to all the states and union territories. The Ministry of Home Affairs is the department that deals with human trafficking, and the ministry issues comprehensive advisories on antihuman trafficking.

The Ministry of Home Affairs has also let out a comprehensive scheme in strengthening law enforcement response in India against trafficking of persons. Under this scheme, there is training and capacity building, and funds have also been established for antihuman trafficking units for 270 districts of the country. By establishing a separate unit which specifically deals with this crime, there is an increase in the effectiveness and efficiency in dealing with the traffickers and to understand the reason behind the crime and ensure that the real offenders are caught and punished accordingly. Training of trainers (TOT) seminars on combating human trafficking for police officers and prosecutors at regional, state, and district levels were organized across the country in order to strengthen the capability of law enforcement authorities and raise awareness among them.

In order to educate and sensitize the judges of the lower courts, a judicial colloquium on human trafficking is held at the high court. Judicial officers are to be educated about human trafficking's many facets in order to enable a swift court process. Eleven judicial colloquiums have been held in Chandigarh, Delhi, Himachal Pradesh, Maharashtra, Chhattisgarh, Tamil Nadu, Bihar, Uttar Pradesh, Jharkhand, and Odisha thus far.

Conclusion

Human trafficking remains as the most detrimental form of human rights violation practiced in the modern times for immoral and unlawful gain of profits by traffickers. One of the greatest drawbacks in preventing the crime of human trafficking is that only the traffickers at the tertiary level are caught and put behind bars. Traffickers of this crime is an organized criminal activity, and rather than catching the real culprits behind the crime, it is the people who are most affected. By doing this, the crime is still active and will go on even if the recruiter or the people in lower levels are caught as they can be easily replaced with other people. The effects on those trafficked can be devastating both physically and mentally; many suffer physical abuse due to the harsh working conditions, while others experience psychological trauma due to being held captive by traffickers with no way out other than compliance with their demands. Furthermore, these victims may also struggle financially after escaping from captivity since most lack access to resources necessary for them to reintegrate into society.

It is essential that governments prioritize this issue by introducing laws which punish traffickers more severely while providing greater protection for potential victims through improved education about human trafficking risk factors. Additionally, government initiatives should focus on ensuring all survivors receive adequate support during rehabilitation so that they may move forward with dignity after experiencing such horrendous circumstances. Only then will we see real progress toward eliminating this heinous crime once and for all.

Thus, the main objective to curb this entire crime altogether would be to ensure that the real traffickers who run the organization of this crime are caught and, also, that such a crime cannot gain great momentum on a large scale without the influx of corruption in it. Corrupt officials and people who aid or are an accomplice of the traffickers for their crimes must also be punished in a severe manner which would set an example for others following in their footsteps.

Each of India's 30 states serves as a source and destination for individuals trafficked in Southeast Asia (PTI, 2017). Apart from that, the present international strategy to trafficking, namely, a human rights-based strategy, has paid no attention to comprehending the traffickers and other people involved in the crime as a means of combating it. Human rights-based approaches place a greater emphasis on victims and give insufficient attention to the causes and motivations for human trafficking.

Human trafficking persists as a grave issue in India, and sociocultural factors have a significant influence on it. Unfortunately, some people are motivated to engage in this heinous crime due to societal views that suggest trafficking is not a harmful activity and, in some cases, a virtuous deed. In addition, the lack of awareness among people about their own human rights and the consequences of their actions coupled with poverty plays a significant role in enabling human trafficking to exploit vulnerable individuals. Some people may also engage in trafficking to help others find work and improve their lives. Shockingly, in certain cases, children are considered as breadwinners and a source of family pride (York, 2022), leading

to their exploitation in human trafficking. In some cases, parents who are unable to provide for their children due to financial difficulties resort to selling their children, unknowingly becoming traffickers themselves. These complex sociocultural factors necessitate urgent action and awareness campaigns to protect the vulnerable and put an end to human trafficking.

While the heinous crime of humans remains to proliferate its dreadful impact in the society, the world must not remain a mute spectator to restrain its proliferation at all costs. Since no nation remains immune from human trafficking and the offence operates through a well-crafted global network, the world must come together against the crime and reorient the global cooperation in this regard. It is essential that we recognize this abhorrent practice existing in society, necessary, standards of protection needs to be instituted to preserve the human dignity of such vulnerable groups, further measures like increased public awareness campaigns about how people can spot signs of someone being trafficked, providing support services once identified, or even bringing perpetrators to justice must be explored. There must also be greater collaboration between government agencies at international level, so resources can effectively tackle this global issue head on.

References

Books, News Articles, and Journals

- Barnato, K., & Schlotterbeck, B. (2013, August 9). *Organized crime: World's most lucrative criminal activities*. CNBC. <https://www.cnbc.com/2013/08/09/Organized-crime:-Worlds-most-lucrative-criminal-activities.html>
- Blake, P., & Wadhwa, D. (2020). *2020 year in review: The impact of COVID-19 in 12 charts*. World Bank. <https://blogs.worldbank.org/voices/2020-year-review-impact-covid-19-12-charts>
- Campbell, D., & Davison, N. (2012, May 27). Illegal kidney trade booms as new organ is "sold every hour." *The Guardian*. <https://www.theguardian.com/world/2012/may/27/kidney-trade-illegal-operations-who>
- Dalla, R. L., Roselius, K., Erwin, S., Peter, J., Panchal, T. J., Ranjan, R., Mischra, M., & Sahu, S. (2022). Family sex trafficking among the Bedia caste of India: Defying the dominant human trafficking discourse. *Journal of Interpersonal Violence*, 37(23–24), NP22966–NP22991. <https://doi.org/10.1177/08862605211073104>
- Hiscott, J., Alexandridi, M., Muscolini, M., Tassone, E., Palermo, E., Soultsioti, M., & Zevini, A. (2020). The global impact of the coronavirus pandemic. *Cytokine & Growth Factor Reviews*, 53, 1–9.
- Interpol. (2022). *Types of human trafficking*. Interpol. <https://www.interpol.int/en/Crimes/Human-trafficking/Types-of-human-trafficking>
- Kang, L. (2017, July 1). No country can stay aloof from fight against human trafficking, says China. *The Business Standard*. https://www.business-standard.com/article/international/no-country-can-stay-alooof-from-fight-against-human-trafficking-says-china-117070100753_1.html
- Kulish, N., Robles, F., & Mazzei, P. (2019, March 2). Behind illicit massage parlors lie a vast crime network and modern indentured servitude. *The New York Times*. <https://www.nytimes.com/2019/03/02/us/massage-parlors-human-trafficking.html>