



## Impact of Violation of Human Rights in Cross Border Trafficking in India with Special reference to Bangladesh and Nepal

Laboni Basu

Women's studies Research centre, Calcutta University, Calcutta, West Bengal, India  
basu.laboni@gmail.com

Available online at: [www.isca.in](http://www.isca.in), [www.isca.me](http://www.isca.me)

Received 10<sup>th</sup> July 2016, revised 4<sup>th</sup> August 2016, accepted 10<sup>th</sup> August 2016

### Abstract

*One of the worst violations of Human Rights is women and children trafficking. Trafficking mainly has taken place from less developed countries to economically advanced countries. Collection of data regarding trafficking is very difficult. Cross border trafficking for sex work through illegal migration has become a highly profitable demanding business and organized crime. It appears that every year about a million women and children are trafficked for various purposes, such as, to force them into working as labourer in various sectors, as domestic help and as prostitutes. The volume of sex trafficking is increasing day by day due to unprotected border control, bribe system and illegal migration. Trafficked women and children from countries like Bangladesh and Nepal are mostly brought into India. Objective of this paper is to focus upon the cross border trafficking and illegal migration. At the same time effect of trafficking for sex and its legal implications are also taken into consideration.*

**Keywords:** Cross border trafficking, Illegal migration, Gender Violence, Prostitution, Sexually transmitted diseases (STD), Commodities.

### Introduction

Trafficking is mainly considered as a conduct of coercion, abduction, fraud and deception in the context of transportation of a person from one place to another place. In South Asian countries trafficking has become a big problem. Large cities in India are the places where such abuses take place. Young girls between the age group of 10 to 14 years are trapped and trafficked into different parts of India and to other countries like Nepal and Bangladesh. Poor helpless girls deprived from family care and love, are the soft target of traffickers<sup>1</sup>. Most of the time the migrant workers do not have proper information about the working condition, work profile and payment structure in the area they have migrated to. In most cases they land up in sex industry. Unfortunately after that they do not have any alternative way for surviving in the area of migration<sup>2</sup>. Poor women and children are forcefully engaged into sex work. They are treated as commodities. In most of the cases migrated women are recruited in sex industry with a very low income, while the middlemen or sex agents are getting benefit for the transportation of the so called commodities<sup>3</sup>. Watson and Silkstone Exploitation, sexual abuse and psychological breakdown for the women are mainly due to gender inequality that prevails in most of the South Asian countries. Women are always on the position of low paid labour in the field of unorganized sector. Due to demand for proximity of women's body such social practice has come into existence<sup>4</sup>. After sharing and grading, the girls may be sold to the pimps or prepare them for sex market of cities like Kolkata, Pune, Delhi, Mumbai, Bangalore and even for Middle Eastern countries.

Jalpaiguri, Darjeeling, North 24 and south 24 Parganas are the districts in West Bengal where maximum trafficking of women and children take place. An organized bribe system in Border areas of Bangladesh and Nepal is the factor responsible for trafficking and illegal migration. Major factors so far identified for trafficking of women and children are poor economic condition, lack of education, domestic violence, fake marriage and enticement for well paid employment<sup>5</sup>.

For the past twenty years it has been noted that political participation of women in Bangladesh is on the increase. There are 500 Government and 1000 Non Government organizations working for women and child development and their empowerment<sup>6</sup>. Singh et al as per report of Policy Research and Development Alternative Bangladesh is noted as one of the crucial countries where maximum number of traffic cases has been reported. Some of the areas where trafficking is mostly taking place are the districts of Khulna, Jessore, Sathkira, Rajshahi, Dinajpur, Rangpur, Mymensing, Comilla, Brahmanbaria, Sylhet, Kurigram, Lalmonirhat, Nilphamari, Panchagarh, Thakurgaon, Dinajpur, Naogaon, Chapai and Nawabganj. All these districts have common international border with the neighboring countries of India, Myanmar and Nepal. The town Cox's Bazar in Chittogram has got Rohingya refugee camps. This region is infamous for trafficking of women and children. Police and Border Security Forces are avoided by the traffickers by various means. Benepol border is considered as the place from where traffickers can enter into India through the metropolitan city of Kolkata. Both the Rivers Ganga and Padma can be easily crossed by people in winter

months. The northern district of Dinajpur of Bangladesh is connected with West Bengal by both road and rail ways and traffickers may find means of communicating through this part into India.

Trafficked girls are treated as animals. They are tortured in various ways until they are agreeable for sex work. They are trained to entertain clients and in the performance of sexual acts. They also made to expose their bodies for making Pornographic pictures and films are made of them in various naked postures. Traffickers always try to smuggle a group of girls at a time for which they avoid proper documentation and paper work or police checking in Border areas. This process always takes place in a very organized way through sex agent and pimp-police Network. Sindhupalchow, Makwanpur, Dhading and Khavre are major source areas of trafficking in Nepal<sup>7</sup>.

It is stated by Pakistan's Lawyers for Human Rights and Legal Aids that in the past decade more than 200,000 Bangladeshi women and girls between the ages of twelve and thirty were trafficked to Pakistan. The estimate may be more. Following is an account of the nature of trafficking in the subcontinent as given by Paul and Hasnath. In Pakistan around forty thousand women are engaged in Prostitution. According to this report most of the trafficked women and children are sold to the Middle Eastern countries. It is reported by the Center for Women and Children Studies that in the brothels of Calcutta there are around 14,000 Bangladeshi prostitutes. It is estimated that out of the 15,000 traffic victims entering annually into India, some are lured with false promises but the rest come out on their own to seek freedom from poverty and miserable living condition. In fact New Delhi and Karachi are the centers for trading in the traffic victims. In these cities trafficked women and children are sold to the international market. They are sold to work as prostitutes, slaves, domestic helps and as wives. Those victims who are not bought by individual buyers are sold en mass to the warehouses. Prices vary with age and look of the victim. In Pakistan the price per woman varies between US \$50 to US \$2,000. Paul and Hasnath have given an account of the procedure as reported by them. To quote them;

“Usually auctions are held in the dead of night. A Bangladeshi Journalist witnessed such an auction in Karachi. At night the victims were brought to the slum and (the) auction took place indoors. There was no bidding as such because there was always an understanding between the procurers and the customers before auction. Usually the younger and more beautiful girls were sold quickly and at higher prices. The unmarried and virgin girls were sold for 15,000-20,000 Bangladeshi Taka (US.\$450-600). Also a group of 10-20 girls were sold together for 50,000 to 200,000 Bangladeshi Taka (US \$,1,500-6,000) to brothel owners and pimps.....some girls were kept aside before the auction. They were to be taken separately to hotels for wealthy buyers who were given the opportunity to inspect the girls individually. Men from villages also came to seek wives ...A Panjabi man gave 10,000 Bangladeshi Taka (US \$300) for

an ordinary Bangladeshi girl. The auction ended. Those who were sold went with the buyers. The rest returned to the place they came from. Everyone remained silent. It seemed that the girls were homeless, stateless, helpless, and speechless<sup>6</sup>.”

Hilly country like Nepal has been deprived from quality education, job opportunity and recently low agricultural paradox in several seasons. Industrial sector is also not developing in Nepal. Most of the Nepalese are migrating for work in tea plantations in Darjeeling. But due to fair skin and innocent face Nepalese girls are very much in demand in the sex industry. Cross border trafficking has also taken place due to the market demand and also geographic proximity of Nepal. Each year almost 100,000-200,000 (1-2lacs) Nepalese women and girls are recruited in the sex industry. 5000-8000 young women are trafficked for the brothel. Report shows that 40,000 prostitutes in Sonagachi in Kolkata are Nepalese women. Nepalese women are also working in other organized and unorganized sectors in India<sup>8</sup>. In Nepal the “Badi cast“ who mainly entertain the elite classes, are trafficked by their father or husband for money, better employment opportunities and better future.

Traditional Temple dancers like devdasi, jogins are placed to the temples for serving as sex workers for the elite groups. These women work as sex agents after they become old<sup>1</sup>. “Legal penalties exist to punish Traffickers but Enforcement is less. These abusers violate not only internationally-recognized human rights, but also the laws of both India and Nepal. According to Nepal's Human Trafficking Act of 1987, a person convicted of Trafficking human beings to foreign countries is subject to five to ten years of prison sentence. However the lack of Enforcement by police renders the Law futile. Already corruption and bribery are rampant in trafficking rings, and less than ten percent of people were ever detained for the crime and been convicted<sup>9</sup>.”

In this context a case study reported by Coomaraswamy is given below.

A 16 year old girl namely Chamoli in Nepal lived with her father and stepmother. Her step mother used to torture her, beat her, treated her like a domestic worker, her life became a dark world. Once an unknown man came in her life, who promised her marriage and love. She fled with him for a new life. But finally she found herself in an Indian brothel. She never knew that her love can kill her dreams in this kind of cruel way.

She was literally tortured for refusing clients; she had to serve minimum 10 clients per day. She had to survive in dirty, unhygienic condition. She was treated like a street dog. At last she was rescued by a nongovernment organization named Maiti Nepal; she had stayed in a “Protection Home” in India. Before she was sent back to Nepal, doctors informed that, she was suffering from AIDS. She refused to go back to Nepal for fear of her step mother and for shame of her life<sup>1</sup>.

### Effects of trafficking

The women and children who are trafficked suffer from various sexually transmitted diseases, mostly, HIV and AIDS. These victims are raped, left without food and sleep. They are subjected to violence, unsafe abortion and are forced to take drugs and alcohol. Psychologically the traffic victims are suffering from trauma, depression and even tendency for suicide. Women trafficked from one country to another often are not able to communicate due to language problem. No trust is built up between the migrants and people of those countries they migrated into. Many women refuse to go back to their home country due to stigmatization and non acceptance by the family and community. Rescued cross border traffic victims have to wait for a long time for processing of their identity verification for repatriation. Legal problems are there for rescuing and rehabilitating the victims. Some traffic victims even agreed to sex work for supporting their family which encourages traffickers to collect other girls<sup>10</sup>. The opinion that it is quite difficult for fighting trafficking since it is closely linked with illegal migration. She thinks that there should be measures taken for the prevention of illegal migration. She has recommended that there should be strict policies for the issue of visa and immigration. Cross border security should be tightened. Third parties who help illegal entry and stay in the country should be punished under criminal Acts<sup>8</sup>.

Usually gender based violence is considered by scholars as the root cause of trafficking of women and children. Immoral Traffic Prevention Act is the changed form of Suppression of Immoral Traffic Act. However, this Act deals with, keeping brothel, soliciting sex in a public place, living off earnings through prostitution and these are considered as punishable offence<sup>11</sup>.

### Legal Implications

There are adequate provisions in the Indian penal code 1860. These are mainly under the sections 293, 294, 317, 339, 340, 341, 342, 354, 359, 361, 362, 363, 365, 366, 370, 371, 372, 373, 375, 376, 496, 498, 506, 509 and 511. Section 366A is against procuring of a minor girl, below 18 years of age, for the purpose of prostitution. According to section 366B procuring of a girl below the age of 21 years for prostitution is a punishable offence<sup>7</sup>. Researchers and scholars have put forward some suggestions emphasizing safe migration like border controls, proper checking of visa-regimes, and involvement of third parties like agents, checking undocumented models travels, restrictive residency and labour regulations specifically in unorganized sectors in the name of employment<sup>12</sup>.

### Conclusion

Systematic research is very much needed for combating cross border trafficking. The countries lying on either side of the borders should take strict measure to prevent illegal migration and trafficking of women and children. There are Acts and law which are existing for the purpose but stringent measures are suggested for their implementation. Regulations from Governmental organizations from both countries are needed, for supervision of the situation in an organized way, so that trafficking of women and children could be stopped. Legal designs are to be made with proper knowledge of the factors and its structural implementation is mandatory for controlling of cross border trafficking.

Following three tables give idea about cross border trafficking in India from Nepal and Bangladesh. The tables are from secondary sources. Mention is made of the sources in the subsequent tables as well as in the references.

**Table-1**  
**Number of trafficked women in Indian Brothels**

No of women	Nationality	Location	Time Frame	Source
70% of 1000 to 10000	Bangladeshi	Kolkata	One last 5 years	Sanlaap, 2002
800(140 Flying csw's)	Bangladeshi	Kolkata	1990-1992	Sanlaap, 2001
30,000	Bangladeshi	Kolkata	-----	Reuters, 1997
2000	Bangladeshi	Various cities	-----	CATW, Asia Pacific
10,000	Bangladeshi	Mumbai, Goa	-----	Watch-Bangladesh, Reuters, 1997
2000,000(2lack)	Nepalese	-----	-----	Grimier/Nepal social workers
27,000	Bangladeshi	-----	-----	Center for Women and children study, 1998
2.7% of women(a)	Bangladeshi	Kolkata	-----	Central Social welfare Board (1991)

Notes: persons trafficked are used for purposes other than prostitution in Kolkata, and are not included in this figure, which may invalidate projections from this number. [Asian Development Bank (2002), "combating Trafficking of women and children in south Asia: Regional Synthesis paper for Bangladesh, India and Nepal <sup>7</sup>.

**Table-2**  
**Cases registered under Human Trafficking during 2007**

Nation state	Buying of girls for prostitution	Selling of girls for prostitution	Procreation of Minor Girls	Importation Of Girls	Immoral Trafficking prevention Act 1956	Child Marriage Restraint Act1929	Total
India	40	69	253	61	3568	96	4087
West Bengal	6	55	54	5	62	9	191

Source: National crime Records Bureau,(2007), New Delhi, National crime Records Bureau,(2007), Government of India, New Delhi<sup>7</sup>.

**Table-3**  
**Nepali women and children victims who are working in different parts of India. This table is after Dutta, 2005<sup>8</sup>**

Cities	Bombay	Calcutta	Gorakhpur	Pune	Patna	Luck now	Madras	Surat	Other
No.	45,000	36,000	04,000	03,000	04,000	02,5000	03,500	01,500	26,000

Source: Information estimation, CWIN, Nepal 2002

## References

1. Coomaraswamy Radhika (2005). Human security and Gender Violence. *Economic and political weekly*, 40(44/45), 4729-4739.
2. Weitzer Ronald ( 2010). The movement to criminalize sex work in the United States. *Journal of Law and society*, 37,(1),61-84.
3. Macklin Audrey (2003). Dancing across Borders: Exotic Dancers, Trafficking, and Canadian Immigration policy. *International Migration Review*, 37(2) ,464-500, The center for Migration studies of Newyork, Inc.
4. Watson Joy and Silkstone Christine (2006). Human Trafficking as a Form of Gender-Based Violence: Protecting the Victim. *Gender-Based Violence Trilogy*, 1&2, 110-118, Published by Taylor & Francis, Ltd. on behalf of Agenda Feminist Media.
5. Anti human traffickin (2014). Site of Association of Bengal collaborators. [www.abcdcalcutta.org/buildup-antitrafic.html](http://www.abcdcalcutta.org/buildup-antitrafic.html), <http://www.abcdcalcutta.org/buidup.html> (accessed on 29.5.14,at 1 p.m)
6. Paul Bimalkanti and Hasnath Sayed Abu (2000). Trafficking in Bangladeshi women and Girls. *Geographic Review.*, 90(2), 268-276, American Geographical society.
7. Singh Awadhesh, Singh Pratap and Khan Parveen Ahmed (2012). Trafficking in women and children in India: Emerging perspectives, issues and strategies. New Delhi: Serials Publications. 1-180, ISBN:978-81-8387-465-6.
8. Dutta Pranati (2005). Feminizations of Nepali Migration to India. IUSSP XXV international conference, Tours, France, July 18-23, 5, 37, 1-24.
9. Mcarthur Lisa (1996). Nepal Women caught in Trafficking Rings. *Off ourbacks*, 26(4), 7.
10. Wennerholm Carolina Johansson (2002). Gender, Trafficking and Slavery. *Gender and Development.*, 10(1), 10-19, Published by Taylor & Francis, Ltd. on behalf of Oxfam GB.
11. Sukla Rakesh (2007). Women with multiple sex partners in commercial context. *Economic and political weekly*, 18-21.
12. Andrijasevic Rutvica (2007). Beautiful Dead Bodies: Gender, Migration and Representation in Anti- Trafficking campaigns. *Feminist Review*, 86, 24-44, Palgrave Macmillian Journals.