

HUMAN TRAFFICKING FOR THE FORCED MARRIAGE IS GRAVE VIOLENCE OF HUMAN RIGHTS OF GIRL- A STUDY

DR. VIJETA S. SINGH

Assistant Professor, S.S.Maniyar Law College, Jalgaon. Affiliated to Kaviyatri Bahinabai Chaudhari North
Maharashtra, Jalgaon.

vijetalaw@gmail.com/9823341326

INTRODUCTION

Human trafficking is the trade of humans the main purposes for human trafficking are Sexual exploitation, Forced Marriage, Forced Labour, Domestic servitude and organ transplant. Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage, especially in those areas where the sex ratio is highly skewed in favour of men. Forced marriage is a glaring instance of violation of human rights in all its multitudes. Forced marriage is the surname of rape, slavery, trafficking, forced pregnancy, torture, cruelty and what not as enshrined in the Universal Declaration of Human rights. The right to marry, including the requirement of free and full consent by each of the intending spouses, is clearly established under international human rights law and protected by national laws in many jurisdictions. In India Kids especially girl and young women, mostly from Northeast are taken from their homes and sold in faraway states of India for sexual exploitation and to work as bonded labour by the agents who lure their parents with education, better life, and money for these kids. Agents do not send these kids to school but sell them to work in brick kilns, carpentry units, as domestic servants, beggars etc. whereas girls are trafficked for the purpose of sexual exploitation. Even these girls are forced to marry in certain regions where female to male sex ratio is highly disturbed.

Trafficking: United Nations defined "Trafficking is any activity leading to recruitment, transportation, harboring or receipt of persons, by means of threat or use of force or a position of vulnerability".¹ Human trafficking is a crime against the person because of the violation of the victim's right to movement through coercion and because of their commercial exploitation. As the bill introduced before Indian parliament² In India, trafficking is primarily an offence under the Indian Penal Code, 1860. It defines trafficking as (i) recruitment, (ii) transportation, (iii) harbouring, (iv) transfer, or (v) receipt of a person for exploitation by use of certain forceful means, or forced removal of organs. In addition, there are also other laws which regulate trafficking for specific purposes.

For instance, the Immoral Traffic (Prevention) Act, 1956 deals with trafficking for the purpose of sexual exploitation. Similarly, the Bonded Labour Regulation Act, 1947 and Child Labour Regulation Act, 1947 deal with exploitation for bonded labour. Each of these laws operates independently, have their own enforcement machinery and prescribe penalties for offences related to trafficking.

DISCUSSIONS

The main objective of this study is to identify causes and consequences of trafficking of women. In recent times the number of trafficked women in India has significantly increased. To realize the economic demand of themselves and their families, many young migrants are now becoming victims of human trafficking. Trafficking even if it has roots in economic demands of the victims, in addition, factors like poor awareness on recruitment processes, preference for quicker method of migration, prevalence of traffickers throughout the country who brainwashes young girls with false promises, and poor understanding on the risks involved in trafficking intersect and put women in trafficking networks. Social taboos which are attached to those women who have been rescued from the prostitution centres results back them to prostitution centres. As society is dominated with patriarchal mind setup so they do not allow them to live freely in society. The overlap of factors for trafficking of women is closely linked to the idea of intersectional-list feminist theory.

Causes of Women Trafficking:

The major causes of trafficking in women are as follows:

- i) **Poverty:** Especially in poor countries like Nepal, Sri Lanka, poverty is the root cause of trafficking of women. The financially weak parents themselves sale their sons and daughters to the dalals for money.

- ii) **Unemployment:** When the male members of the family are not working then the females have to take the entire burden of running the household. The women undergo immense pressure to satisfy the family needs. This is taken as an advantage by the traffickers who lure women into the flesh trade.
- iii) **Child Marriage:** In India child marriages still exist and even the dowry system. The girls are trafficked in the name of marriage at Uttarpradesh, Gujarat, Mumbai, Bihar and other states.
- iv) **Religious Practices:** The decades system or Dewadasi practice wherein the girl is wedded to God and offered to God and later on exploited by the temple priests, helps to the growth of women trafficking. Still Dewadasi practice is continued in southern India and other parts of country. The Scheduled Caste women are made to work as decades. Later on they become prostitutes in the red light areas of the city.
- v) **Female Infanticide and Foeticide:** The states like Punjab and Haryana have a very high rate of female infanticide and foeticide. Hence the sex ratio is not balanced in such states. The men in these states are depends heavily on the human traffickers for the satisfaction of their physical needs.³
- vi) **False Promises:** The women who are involved in a love affair with a man without knowing his background are ultimately cheated and lured into prostitution racket. The promise of marriage becomes false when the man makes a DVD or MMS of hers which shows her in a negative way. Ultimately the women is blackmailed and trapped by the traffickers.
- vii) **Domestic Violence:** Due to the dowry system, the women are victims of the domestic violence. Wife battering is glorified in India. A man is considered as masculine if he ill treats his wife and beats her black and blue. Many women who are lucky enough to escape such torture are not accepted by their parents also. This is because even the parents feel that the girl after marriage is someone else's property. Such women ultimately fall prey to the traffickers.
- viii) **Natural disasters:** The women are more vulnerable during natural calamities like earthquakes, cyclones, floods as well as during man made disasters like war. It was reported in the newspapers that in the Gujarat earthquake many women were molested, raped and sold. Prostitution increases much more during such disasters.
- ix) **Migration:** The men who migrate to the cities live behind their families. Hence to satisfy their physical needs, the market of human trafficking flourishes a lot in the cities.
- x) **Tourism:** The male tourists who visit our country also demands commercial sex for their enjoyment. Thus the women become more vulnerable in tourists destinations like Goa, Mahabaleshwar etc. Hence many people are afraid to settle down with their families in the tourists areas.
- xi) **Social Practices:** The social practices like expecting women to give sacrifices for the family, develops a sense of duty and Obligation drives the women to migrate for work in order to support their families. Such as keraliet girls go to entire Inida and abroad to for nursing sevicev.They become an easy victim of Traffickers.
- xii) **Social Stigma:** In our society especially in the rural areas, the single, divorced, unwed, widowed and sexually abused women and young girls are looked down upon. The unwillingness of the society to accept them may lead to frustration on the part of these women and they become easy prey of traffickers.
- xiii) **Lack of Birth Registry:** People who do not have proper registration of birth fall easily in the net of the traffickers because their age and nationality cannot be documented. Children's who are trafficked are called as adults by the traffickers and they are easily passed on from one state to another.
- xiv) **Corruption:** The traffickers often bribe the corrupt police and immigration officials to overlook criminal activities. The Civil Servants are also bribed to falsify information on ID cards, birth certificates and passports making human trafficking easier.⁴
- xv) **Mutilation:** Now a day's people are trafficked for their organs, particularly kidneys, heart, lungs etc. It is a rapidly growing field of commercial activity. The life of the victim is at risk as operations are carried out in clandestine conditions with no medical care at all. According to NCRB every year more number of cases registered under the Transplantation of Human Organ Act, 1994 in India. Daily number of young children trafficked for the organs and it is increasing day by day.⁵
- xvi) **Forced marriage:** Girls and women are not only trafficked for prostitution but also bought and sold like commodity in many regions of India where female ratio is less as compared to male due to female infanticide.⁶

"The right to choose your life partner, or whom you associate with, is a fundamental right. It is an integral part of the right to life." But in India mainly Northern part of country specially Haryana, Punjab and Rajasthan the forced marriages are highly in practice. The concept of forced marriage or bride matching or bride trade (trafficking) is not different from sex trafficking because it treats women as a commodity to be sold to some unknown men and their purpose is not to find lifetime loving partners but to arrange a wife to be treated as a sex object, domestic worker and all-around slave.

In forced Marriage a small/tender girl is purchased on the name of marriage from her parents and marriage solemnized in presence of the parents of bride at her place, for these parents of bride paid 70 to 80 thousand rupees. A girl feels that she is legally wedded and would have happy life with her husband. When girl come to her husband house her life becomes hell, she comes to know that on the name of marriage she is pulled in forceful sexual relation with all the male members of family. Husband of that girl is remains husband for sake of name only apart from husband the brothers and father of husband also use to do frequent sexual intercourse with that girl. The girl on the name of fake marriage rapped number of time in a day. She is also assault by these male members for different reason. She doesn't have right to make hue and cry, no one is ready to listen her pain. Apart from this she has to do all house hold work as well farm work, and the most painful part of the whole bride business is that it is also a new form of child marriage which has emerged in a wide scale. Their freedom from slavery and abuse is violated as a trafficked bride becomes the slave of the man who "buys" her. The young women who are mainly sold off as brides and brought to Haryana-Punjab are being used as sex slave are called "Paro" or "Molki".⁷

Trafficking systematically violates women's human rights including the rights to life and security of persons. It places women in danger of physical abuse and deprives them of bodily integrity. In forced marriages generally the health of girl affects with number of diseases such as AIDS or TB, aging etc. They are kept in villages or farm houses and prevented from leaving or even communicating with their families back home. The understanding of administration on women trafficking in the name of marriage is quite narrow. These kinds of imports and trafficking in the name of poor background and pitiable conditions are given moral acceptance. It is constantly observed that girls from the poverty stricken area and the tribal belts of West Bengal, Bihar, Jharkhand, Orissa and southern part of India like Andhra Pradesh and Kerala are the main target of this business. Nepales and Bangladeshi girls are also lured by traffickers

It was resulted in a study of EMPOWER PEOPLE,⁹ parents (of victims) are victims of fraud. The poor parents marry their daughters to the "dilliwahals" because they do not ask for dowry even they are paid in respect of that. However this kind of marriages are not considered socially respectable in the source area and more often regarded as "thug vivah" (fake marriage) or Gurjara maduve (gujar marriage). In very few cases parents are seen selling their girls for big bucks. a large number of girls are abducted or runaway with her boyfriends.

Effects of Forced Marriage:

The effects of Forced Marriages/trafficking may have severe impact on the survivors.

Rejection: Those who survive and come back to the normal community are not accepted again. The community rejects them and boycotts their family. The survivor has to return back to the brothel or commit suicide.

Helplessness: The victims feel helpless because they are not able to change the circumstances in which they are locked. They cannot face the situation and in the end they give up. They withdraw and isolate themselves and remain disconnected from the society. Even if they are rescued and rehabilitated, the feeling of helplessness continues.

Distraction: The victims try to engage themselves in various activities and try to forget their situation. They watch movies, fight with others and also gossip about others. They may also become addict to drugs, tobacco and alcohol. They also seek short term relationships with strangers

Post Traumatic Stress Disorder: The Forced marriage victim or trafficking survivors may experience the Post Traumatic Stress Disorder. It is a general anxiety that is triggered by any cue that reminds the survivor of the traumatic abuse that she may have undergone. This leads to numbness of sensations.

Depressive Disorder: The feeling of sadness, inability to enjoy oneself, lack of interest in day to day activities and negativity about the future leads to depressive disorder in the victim.

Dissociative Disorder: In this, the victim becomes unconscious. The victim suffers from amnesia and has multiple personality disorder.

Psychotic Disorder: The victim may develop slow and steady degradation of her entire personality. In this disorder the victim has several delusions and starts hallucinating as well as faces various behavioural difficulties. Many rape victims suffer from this disorder. They lose control on their senses and hence they may roam without wearing clothes and they may pelt stones on others.

Eating Disorder: The victim may experience eating disorders. Due to frustration and depression, they may eat more than required or they may take to eating binges or they may not eat at all.

Legal Effects: Due to illiteracy and ignorance some time the victims do not understand that they are exploited. They do not even know about the various laws of the country. They are intellectually, physically, emotionally weak. Their utter helplessness and stigma do not allow them to take help from the legal authorities.¹⁰

SUGGESSTIONS

About two lakh people are trafficked in India every year. India is the hub of human trafficking and a point of transit, destination, and source of human trafficking victims, out of that 40% girls trafficked for forced marriage. The Government should create compulsory high quality education, employment opportunities and income generation programme. Govt shall increase the transparency of Govt. efforts to combat trafficking and provide disaggregated data on efforts to criminally investigate, prosecute and punish sex and labour trafficking. Fast-track courts should be established, to deal with all forms of human trafficking and provide anti-trafficking training or guidance for diplomatic personnel to prevent their engagement or facilitation of trafficking crime.

With the help of NGOs there should be some types of advertisements through the popular media in particular location and by conducting some awareness programmes in village, local schools, among kids of the poor society and public to be alert of being victimized. The media should transmit appropriate message to ensure the victims learn they are not alone. Victims can be made aware to places and institution where they can seek help. Create awareness that human trafficking is inappropriate and illegal and has negative consequences. Wide publicity should be given regarding the legal, penal, provisions against trafficking and the modus operandi of the traffickers through radio, television etc. Most important role of society to accept the victims of forced marriages and encourage gender sensitization and education on equal and respectful relationships between the sexes, thus preventing violence against women.

CONCLUSION

Forcibly marrying someone is illegal as per Indian Laws. If somebody is forcing you to marry, they are violating your Right to Life and Human Rights under Article 16 of the Human Rights Convention. To restore your Right, you need to connect with a lawyer, who will guide you about how to deal with such situations legally

Under the Immoral Trafficking Prevention Act, 1986 trafficking for commercial sexual exploitation is penalized. The punishment ranges from seven years' to life imprisonment.

The Government of India applies the Criminal Law (Amendment) Act 2013, active from 3 February 2013, as well as Section 370 and 370A IPC, which defines human trafficking and "provides stringent punishment for human trafficking; trafficking of children for exploitation in any form including physical exploitation; or any form of sexual exploitation, slavery, servitude or the forced removal of organs." But still there is a huge gap between enactment and enforcement of these laws. Because of widespread corruption and bribe, it is easy for agents to bring these young girls for their profit. But there should be strict disciplinary action against everybody involved in such a crime then only this problem can be addressed. Also better education and other facilities should be provided at native places so that parents do not opt these ways for their kids. Above all attitude towards women and young girls must change

REFERENCES

1. By Ramandeep Kaur Published on: November 8, 2013.
2. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 July
3. 2018 Trafficking in Persons Report - India, 28
4. 2018 Trafficking in Persons Report - India, 28
5. Abid
6. MYRIA, Trafficking and Smuggling of Human Beings - Tightening the Links, 2015 Annual Report
7. Abid
8. EMPOWER PEOPLE NGO has developed a people's module to combat bride trafficking which includes prevention, intervention, rehabilitation, empowerment and organization.
9. ["Trafficking in Persons Report 2017: Tier Placements"](#). www.state.gov. Archived from the original on 28 June 2017. Retrieved 1 December 2017.