

**Human trafficking in Jharkhand:  
regional pattern, characteristics, and  
policy challenges**

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# Jharkhand Anti-Trafficking Network (JATN)

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The Jharkhand Anti Trafficking Network” (JATN) is a state-level joint network of 14 grassroots NGOs named “to promote safe migration to help prevent human trafficking” and raise the issue of trafficking as violence against women and girls in the public domain. Presently, JATN is working in 13 trafficking prone districts of Jharkhand namely – Giridih, Godda, Gumla ,Dumka, Chatra, Deoghar, Koderma, Khunti, Hazaribagh, West Singhbhum, Simdega, Lohardagga and Ranchi covering 19 blocks, 79 Panchayats and 257 villages. JATN has a core mandate to advance a rights-based approach and feminist principals, as well as to promote female empowerment and leadership to counter trafficking and ensure safe and secure mobility in Jharkhand. JATN strives to build the capacity of community and grassroots organizations to empower marginalized and vulnerable sections of society in exercising their rights and realizing their entitlements. It provides capacity-building support, promotes information dissemination, and models development and technical support to individuals, NGOs, and civil society. JATN members also focus on strategic planning for interventions promoting safe and secure movement.

# Introduction

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Human trafficking implies their unlawful movement or acquisition by improper means, such as of threat or use of force or 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, with an intention to exploit them (Sarkar, 2014). It is emerged as one of the growing organised crimes in the world (Shelley, 2010). Human trafficking, particularly in women and children, has captured serious attention in India as well (Banerjee, 2003; Gupta, 2003; Sen and Nair, 2004). Despite the different measures taken by the state, the crime has become more organized, well set and expanded to different other forms as well (Sarkar, 2014). Trafficking has widely spread in such a way that today almost every part of the country is affected by this crime. Even though human trafficking for sexual slavery has been a matter of serious concern to the country, of late, there has been an increasing tendency of trafficking children and women for forced labor and bondage (United Nations Office on Drugs and Crime, UNODC, 2013).

Sex labour and bonded labor comprise the vast majority of trafficking in India though begging industry and organ harvesting have also noted (Huda, 2006). It is the denial of socio-economic and human rights that end up in loss of control over life and, for that reason, trafficking and exploitation. “Trafficking in human beings is not an episodic phenomenon affecting a few individuals, but is of structural nature, with extensive implications on the social, economic, and organisational fabric of our societies<sup>1</sup>”. A variety of reasons such as deepening poverty, deteriorating living conditions, persistent unemployment, human deprivation, and hopelessness promote the human trafficking (Salah, 2004). Households living in poverty have nothing to protect them other than selling away their only asset that is the labor of the family. If the geographical neighborhood does not offer the opportunity to contribute this labor, he or she is sent far-off as migrants. At this particular stage, since their low bargaining threat to their security, they become vulnerable to trafficking. The research shows that there has been an increasing trend of children being trafficked from the states of Jharkhand, Chhattisgarh, Odisha, Assam, West Bengal and Madhya Pradesh for the purpose of domestic labor (Sen and Nair, 2004; Sarkar, 2011).

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<sup>1</sup> Communication from the Commission to the Council and the European Parliament, Combating Trafficking in Human Beings and Combating the Sexual Exploitation of Children and Child Pornography, at 2, COM (2000) 854 final (Jan. 22, 2001).

However, the anti-trafficking campaigns in the country as well as outside inadvertently alter the focus from the forced labor migrants who are severely exploited to the 'duped' female migrants ferried into underground prostitution (Nathan, 2005). The display of sexual slavery stories repeated in the public sphere creates a national panic over the mobility of the people across borders (Schaeffer-Grabel, 2010). It also helps the nation states world-wide to hide its role in the causes of labor trafficking and to stop further migration. The created nervousness generates a collective backing for an increase in state power in militarising the migration control needed to detain the victims and return the subjects to the territory. By creating fear over mobility, especially, of women and children, the media and other stakeholders work in tandem with state surveillance to halt migration instead of creating a safe avenue for migrants to find the needs.

Anti-trafficking campaigns also have been criticised as it views trafficking from post facto end of the spectrum when conceptualizing trafficking. In other words, trafficking has been conceptualized as denial of rights of past the point of control over the trafficked victim by the trafficker. The structural inequities that cause conditions that are conducive to trafficking are not taken into consideration. However, Ray (2005) argues that trafficking has to be conceptualized not only as the rejection of rights post-trafficking, but also a denial of rights prior to the trafficking incident. It is the denial of socio-economic and human rights that end up in loss of control over life and, for that reason, exploitation.

Another criticism is that anti-trafficking practices functions as a moral panic that concurrently obscure the helplessness of the trafficked women and children in the nexus of state and capitalist practices while representing them solely of traffickers ( Nandita, 2005). The ideology of anti-trafficking campaigns does not recognize the migrants/trafficked persons are victims of modern displacement practices that have resulted in the loss of their land and/or livelihood (id). This perspective not only leads to a suspicion of women's migration seeing it as crisis-producing instead of life-saving, it further forces migrants to make a clandestine movement (id).

The anti-trafficking campaigns do not see victims of trafficking as women exercising agency in crossing borders; instead, they view women and children solely as victims forced into migration which help the state to accuse trafficker as the sole responsible (id). A tiny group of migrants might have received temporary legal assistance/documents as part of the present movement, for the majority of migrants, the focus on trafficker, made their journey more

dangerous and expensive. Thus, anti-trafficking campaigns instead of focusing on the illegal practices of the state, have focused on the suffering of the women in the hands of the only group, the agents, seemingly help them to find a way to go out.

The present study explores these criticisms in the case of Jharkhand Anti Trafficking Network (JATN)'s anti-trafficking campaigns. Unlike the existing approach of stop migration to prevent trafficking, this network promotes the approach of safe migration to help prevent human trafficking and raise the issue of trafficking as violence against women and girls in the public domain. JATN is a state-level joint network of 14 grassroots NGOs working in the different parts of Jharkhand. Srijan foundation leads this network. The investigation is proposed to be done by examining the legal and advocacy interventions of Jharkhand Anti Trafficking Network (JATN) in Jharkhand, India through the legal ethnography of JATN's legal archive and the state legal archive.

This legal ethnography brings the possibility of obtaining a bird's eye view of the crime of trafficking in the state of Jharkhand. With the data from all across the state, it is possible: to distinguish whether certain trafficking patterns or forms of exploitation are more prevalent in some areas, and whether some trafficking flows are becoming more or less pronounced; to understand the different dimensions of trafficking; to know the source, reroute and the destination of the crime; to investigate the loopholes in the current intervention to tackle trafficking. Such knowledge has the potential to enhance the state as well as national level responses and cooperation in the area. The study will also help us to understand the three phases of human trafficking: pre-recruitment, recruitment and the post-recruitment. The study will also analyze means of force and coercion, the strategies of the recruiters, and the escaping strategies of migrants trapped. The stage wise analysis will help to connect the sources with the final destinations.

Jharkhand is said to be among the top sources for unsafe migration and human trafficking in India (Sen and Nair, 2004; Sarkar, 2011). Victims are typically young women and adolescent girls from tribal areas who are illiterate and impoverished. Besides, deep-rooted gender conditioning, extreme poverty, systematic alienation of people from their natural resources and the state's geographic condition is making trafficking easier and worse. The state's physical proximity to international borders, namely with Bangladesh and Nepal along with domestic metropolitans as Kolkata, Delhi and Mumbai also make Jharkhand as an epicenter

for human trafficking and migration. Women and young from the tribal, scheduled caste and ethnic minority communities of the state identified and lured by the unscrupulous agents (mostly closed relatives and neighbors) to domestic work in metropolitan cities. These groups are mostly unaware of the possible working conditions and wages and trapped into exploitative labor arrangements thus trafficked.

JATN , presently, works in 13 trafficking prone districts of Jharkhand namely – Giridih, Godda, Gumla , Dumka, Chatra, Deoghar, Koderma, Khunti, Hazaribagh, West Singhbhum, Simdega, Lohardagga and Ranchi covering 19 blocks, 79 Panchayats, and 257 villages. JATN strives to build the capacity of community and grassroots organizations to empower marginalized and vulnerable sections of society in exercising their rights and realizing their entitlements. It provides capacity-building support, promotes information dissemination, and models development and technical support to individuals, NGOs, and civil society. JATN members also focus on strategic planning for interventions developing safe and secure movement.

The study is action oriented. The study was designed to address the severe gaps in human trafficking cases in the state of Jharkhand. The motivation behind the research was to develop solutions for the effective elimination of trafficking. The study is victims based as they are at the center of the investigation and their concerns and sharing are the centers of the discussion. While there are cases of sexual exploitation elements in some of the cases analyzed in the present study, other forms of exploitation are increasingly detected. Trafficking for forced labor – a broad category which includes, for example, domestic work, housekeeping, brick kiln, catering, restaurant, etc. – has reported.

# A note on methodology

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The research on human trafficking is exciting and complex. The cases involve many actors and stakeholders which make the investigation more complex. There is hardly any data to show the overall picture of human trafficking in the state and national level. Majorly, low priority is given to the issue by concerned authorities in many counties. The reason for law prioritization can be attributed to two reasons: first, legislation is often lacking or not implemented, making the prosecution of traffickers very difficult and often impossible; second, convictions of trafficking cases are often based on witness and/or victim testimony which also seem difficult (Lacko & Gramegna, 2003).

Moreover, there are many more challenges. The ethical considerations put limitations on direct interaction with the victims to avoid risks and trauma due to trafficking. The narrative of the victims who are survived and into a new life will be different from victims who are under threat. Hence, the case descriptions might vary from case to case depending on the point in time when the interview has been carried out. Trafficked persons are a hidden population, a group with clear boundaries and for which no sampling frame exists (Tyldum, & Brunovskis, 2005). Trafficked victims are highly unlikely to reveal the whole story behind for a variety of reasons including fear of the privacy, retaliation from the trafficker, trauma, and shame, etc.

Therefore, the present study chose to do a micro-level research by dealing only with a set of cases that have been collected by JATN caseworkers. Micro-level research has advantages over grand, macro-level claims – advantages that are both quantitative like identifying the magnitude of the victims in a measurable context; and qualitative like documenting complexities in lived experiences – and is better suited to formulating contextually appropriate policy and enforcement responses (Weitzer, 2014). If the data is reliable, it can provide: more valid victimization numbers; richer insights regarding actors' living experience; potential to identify trafficking hotspots for targeted deployment of enforcement resources (id).

**Legal ethnography of cases (2013-2017).**

The study uses dominantly legal ethnography as its methodology. While the “traditional” ethnographic approach is largely concerned about immersing in a community of living persons and studying and exploring a specific community, legal ethnography is a study of legal archives and texts. Kim Lane Scheppelle (2004) has highlighted the significance of this methodology when researchers deal with legal and constitutional archives because it would help to grab the complex and often-conflicting meanings, perceptions and implications of legal debates for diverse matters. As Scheppelle explains, this methodology contributes a different lens of legal analysis because it “does not ask about the big correlations between the specifics of constitutional design and the effectiveness of specific institutions but instead looks to the logics of particular contexts as a way of illuminating complex interrelationships among political, legal, historical, social, economic, and cultural elements” (id, 2004:390). Being conceptually interested in investigating multiple elements of the trafficking and human rights, the nature of their relationship, the logics and justifications for the trafficking, the difference in its applications in the diverse cases and how that diversity contributes to the overall understanding of socio-political implications of implementing different laws, this method was considered the more adequate for my analytical purposes.

I had access to JATN’s legal archive to analyze the cases that JATN already dealt with. My field engagement helped to cross-check the cases. Moreover, the field engagement also helped to interact with different stakeholders and state representatives who deal with the trafficking issues in the state. I also used online legal archives such as manupatra (<http://www.manupatrafast.com/>), and Indian Kanoon (<https://indiankanoon.org/>) to deal with some of the landmark judgments in the topic. I have also used different newspapers archives to locate the context of various cases. An attempt has been made to include male victims also in the process of case collection; a group often overlooked in researches. JATN does not have any cases deals with male members as it ideologically works from a feminist perspective. The focus is women and children among the trafficked victims. At the same time, male members are part of the intervention of the network<sup>2</sup>.

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<sup>2</sup> Migrant forum is one of the platforms of JATN male migrants are part of: To promote their belief that the Migration was a fundamental right of an individual the JATN partners created community based models to prevent and abate trafficking. The network mobilized the community members in forming Migrant Forum to effectively address the trafficking and migration issue. It was termed as one of the important strategy in promoting the concept of Safe Migration. Migrant Forum was created to establish a proper effective channel for ensuring Safe Migration of the migrants. This structure provided the members a platform to share the experiences related to migration and learn about the issues that affect their lives, and further help them to access range of relevant services. These institutions at different level worked as task force / pressure group to create mechanism for checking unsafe Migration and trafficking.

### *Survived/returnee migrants and missing migrants*

For the purpose of analysis, I categorize victims of trafficking into returnees and missing victims. The survived victims are those who managed to return to the source after they have been trafficked. They have been exploited in different ways: no wage, extra work, physical and sexual violence, no proper food and shelter, etc. The only difference from the latter is they are not missing. Luckily, they managed to escape in different ways: by running away, reporting police, finding another victim to flee with, etc. Missing victims are those who were trafficked and not yet returned. Their cases have been collected from their parents and relatives.

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The Migrant Forum formation was a new concept to infuse the community participation in the safe migration program. It was a collective of migrant population or people directly indirectly affected by migration. The forum comprised of migrants, survivors, returnee migrants and migrant's families of the villages. Migration Forums were formed to provide a platform to the returning migrants and migrant families along with the community people to make them able to understand to stay safe. Intensive Training was held on Forum Structure, Role, Activities, Rights and Entitlements as Workers/ labors and laws/ policies related to trafficking. The Migrant Forum guided the returnee migrants and potential migrants with information and disseminates information before their departure on safe and regular migration. They provided legal aid information to destitute migrants and protect them against exploitation and helped in registering with the agent and put job demand in Manrega. They provided information and supported when anyone migrated or in case of any problem and discussed about the monetary aspect, opening bank account before migration and transfer of money.

# Human trafficking and legal frameworks

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Human trafficking or coerced movement of people across borders is as old as the laws of demand and supply. Then, what is novel in the issue is the volume of traffic and the realisation that little has been done to control the tide. Statistics on the end use of trafficked persons are often undependable as they tend to overrepresent the sex trade (Banerjee, 2003). Even though trafficking for sexual exploitation continues to be a matter of concern, there has been a trend of trafficking for forced labour and slavery (United Nations Office of Drugs and Crime, UNDOC, 2013). The evidences<sup>3</sup> in trafficking studies also demonstrate the fact that worldwide market for labour is far greater than that for sex (Feingold 2005). The existing legal framework against trafficking has been the result of long term involvements. This section of the paper explores the different aspects of legal framework formed over a period of time.

## 1. Trafficking and legal perspectives

Though slavery and involuntary servitude recognised as fundamental human rights violation internationally<sup>4</sup> the human rights element of trafficking is only beginning to be effectively factored into anti-trafficking strategies (Fitzpatrick, 2002). Trafficking has customarily been understood as a crime management and migration issue, and attentiveness for the victim has varied depending upon the situations (id).

The discussion on trafficking during the 19th and 20th centuries was dominated by the morality framework, which associates the trafficking with sexual slavery and forced prostitution (Ray, 2005). When the term ‘trafficking’ emerged, the discourse focused on eradicating “white slavery trade”, the idea that white women from Europe and North America were kidnapped and transferred to the sexual slavery abroad (Bruch, 2004). Feminists activists like Josephine Butler stressed on this phase as part of their campaign to modify

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<sup>3</sup> Feingold (2005) brings the study conducted by International Labour Organization (ILO) which finds that, of the estimated 9.5 million victims of forced labor in Asia, less than 10 percent are trafficked for commercial sex industry. It depicts that, less than half of the worldwide trafficking victims are only part of sex trade.

<sup>4</sup> Slavery has been considered as human rights violation under existing major international treaties, including International Covenant on Civil and Political Rights (ICCPR), the European Convention for the Protection of Human Rights and Fundamental Freedom, American convention on Human Rights etc.

England's morality laws and contest the efforts of the state to legalise prostitution as they regarded it as a form of exploitation (Ray, 2005). As the awareness grew, the international community reacted with different laws and conventions. Thus, the conventions like the International Agreement for the Suppression of the White Slave Traffic 1904<sup>5</sup>, International Convention for the Suppression of White Slave Traffic 1910<sup>6</sup>, referred the trafficking to the "procuring of women and girls for immoral purpose aboard". The orientation of the later conventions<sup>7</sup> till 1950s also was, still, anti-prostitution. The major limitation of the morality framework is that it restricts the trafficking only into forced prostitution, which ignores the other aspects of trafficking such as forced labour, child labour and slavery practices etc. This results in violating the human rights of those who are neglected and addressing a very small portion of the problem.

The next was the violence against women framework (id). This framework sees trafficking as an abuse of women's well being and the exploitation of their social and economic weakness in a patriarchal society. The issue was addressed from this framework through different conventions and movements. The convention on the elimination of all forms of discrimination against women (CEDAW) 1979<sup>8</sup> and World Conference on Women, 1975<sup>9</sup> prohibited trafficking. Trafficking appeared as an issue in the subsequent conventions and conferences as well<sup>10</sup>. The drawback of this framework was also same as the first framework, touches only a portion of the issue, deal with only one gender, and legalisation of the prostitution (id).

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<sup>5</sup> International Agreement for the Suppression of the "White Slave Traffic," May 18, 1904, 1 L.N.T.S. 83.

<sup>6</sup> International Convention for the Suppression of the "White Slave Traffic," May 4, 1910, 3 L.N.T.S. 278, 211 Consol. T.S. 45.

<sup>77</sup> The 1921 convention for the suppression of traffic in women and children, International convention for the suppression of traffic in women of full age-1933, convention for the suppression of the traffic in persons and the exploitation of the prostitution of others 1949.

<sup>8</sup> Convention on the Elimination of All Forms of Discrimination Against Women, G.A. Res. 34/180, art. 6, U.N. Doc. A/Res/34/180 (Jan. 22, 1980), available at <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm> ("State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women.").

<sup>9</sup> Report of the World Conference of the International Women's Year, at 79, ¶ III.7, U.N. Doc. E/CONF. 66/34, U.N. Sales No. E.76.IV.I (1976).

<sup>10</sup> Copenhagen Conference 1980, World Conference at Nairobi, the Vienna Declaration and Programme of Action of the World Conference on Human Rights 1993 (World Conference on Human Rights, June 14-25, 1993, *Vienna Declaration and Programme of Action*, U.N. Doc. A/CONF.157/23 (July 12, 1993), and the Fourth World Conference on Women in Beijing 1995( *Beijing Declaration and Platform for Action*, ¶ 114, U.N. Doc. A/CONF.177/20 (Oct. 17, 1995) . Moreover, the United Nations Special Rapporteur on Violence against Women had taken a good interest in the issue.

The third was the law enforcement framework (id). Though this framework had a fundamental presence in the actions taken against the trafficking in the early periods<sup>11</sup> human trafficking gained much relevance as an international issue in 1990s<sup>12</sup>. Nations states became more concerned about the sovereignty and the security related to trafficking, migration, and smuggling. The enforcement framework highlighted attacking international crime and restricting illegal migration through stringent border controls. The major pitfall of law enforcement framework is its flawed assumption that trafficking occurs as unlawful entry across national borders. It refutes the presence of internal trafficking though many countries like India suffer more from internal trafficking than external. This framework also deviates from victim protection as the major aim here is to prosecute traffickers (id).

### 1.1 Introduction of human rights framework

The latest is the human rights framework which was introduced as a response to the gaps in the previous frameworks (id). This framework encompasses sexual as well as nonsexual labour. According to this structure, trafficked individuals are considered as migrant workers who left home in search of livelihood and exploited in different sectors. It also considers that trafficked persons are victims for human rights violation, stopping and punishing trafficking requires “multi-level game of coordinated development, communication concerning activities of transnational criminal groups, mutual assistance in law enforcement, provision of social services to trafficking victims, economic development in source countries, and reform in migration policy, involving both state and non state actors at the international, national and local level” (Fitzpatrick, 2002:1145). According to Ray (2005):

“The labour framework views trafficking as the consequence of a world order which creates obstacles for movement of people. Opportunities are needed at one place but created at another, leading to a push-pull dynamic that is sought to be controlled through restrictive immigration policies. In the absence of legal channel or due to the high transaction cost of legal movement, migrants seek the aid of underground networks that specialise in identifying and exploring loopholes in the laws. In the

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<sup>11</sup> It can be analyzed in the conventions like, the 1910 convention, 1933 convention and 1949 convention.

<sup>12</sup> UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children 2000, Treaty of Amsterdam 1998, Vienna Action Plan 1998, Tampere Summit 1999, European Parliament Resolution 2000, European Union’s Council Framework Decision on Combating Trafficking in Human Beings 2001, Council of European Union Proposal for a Comprehensive plan to Combat illegal Immigration and Trafficking of Human Beings in the European Union 2002, and Brussels Declaration on Preventing and Combating Trafficking in Human Beings 2002.

process, migrant relinquish the control over their mobility and choice, thus making them vulnerable to being trafficked” (p:114).

According to this framework, United Nations Protocol to Prevent, Suppress, and Punish Tracking in Persons, Especially Women and Children passed in November 2000 defines trafficking as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of threat or use of force or 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 (in particular, labour and sexual 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.

## **2. India and trafficking**

There has been a considerable raise in the trafficking of women and children across south Asian countries (Banerjee, 2003). India, Nepal and Bangladesh have signed/ratified international and regional conventions and treaties on trafficking, migration and related policy instruments<sup>13</sup>. These documents are the some of the instruments to protect rights of migrants and trafficked persons including the rights of women and children, but they remain in papers in the context of the country. Above all, South Asian Association for Regional Cooperation (SAARC) has its own legal provisions (Preventing and combating Trafficking in Women and Children for Prostitution 2002, Convention on Regional Arrangements for the

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<sup>13</sup> The 1948 Universal Declaration of Human Rights; the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; the 1966 International Covenants on Human rights; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),1979; the 1989 Convention on the Rights of the Child; the 1990 UN International Convention on the Protection of Rights of all Migrant Workers and their Families; the 1990 World Declaration on the Survival, Protection and Development of Children and its Plan of Action; the 1992 Program of Action of the UN Commission on Human Rights on the Sale of Children, Child Prostitution and Child Pornography; the 1993 Vienna Declaration and Program of Action of the World Conference on Human Rights, the 1994 Cairo Declaration and Program of Action of the World Conference on Population and Development; the 1995 Copenhagen Declaration and Platform for Action of the Fourth World Conference on Women; the (draft) Program of Action of the UN Commission on Human Rights on the Traffic in Persons and the Exploitation of Prostitution of Others; the recommendations of the Committee of the Rights of the Child and the UN Special Rapporteur on the Sale of Children; the ILO Convention on the Worst Forms of Child Labour, 1999; the Outcome Document of the Beijing Plus Five UN General Assembly Special Session, 2000; the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, 2000; and, the U.S. Victims of Trafficking and Violence Protection Act, 2000.

Promotion of Child Welfare in South Asia 2002) regarding the minimum age of employment, child rights etc. Besides all these, India has its own laws like the Juvenile Justice Act of 1986 which was recently amended and Immoral Trafficking Prevention Act (ITPA).

## 2.1 The new Bill and hopes

Earlier this year, the Union Cabinet, chaired by Prime Minister Narendra Modi, approved the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill 2018 for introduction in the parliament. JATN was also part of the Interim Work Group (IWG), which actively involved in the public review process of the bill. While, the bill aims to address the issue of trafficking from various aspects, including prevention, rescue and rehabilitation, it is just one step in the long journey the country has to take to combat this,” pervasive yet invisible crimes affecting the most vulnerable persons especially women and children,” as outlined by the bill.

Firstly, the bill separates trafficking into two categories, with one being termed as “aggravated trafficking” and another “trafficking.” According to the bill the “aggravated forms” includes “trafficking for the purpose of forced labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, trafficking of a woman or child for the purpose of marriage or under the pretext of marriage.” These offences would carry a minimum of 10 years of imprisonment, and could also lead to a life sentence.

Additionally, anyone involved in abetting, promoting or assisting trafficking, would be liable to serve three years in jail. This includes anyone involved in producing, printing, issuing or distributing unissued, tampered or fake certificates, registration or stickers as proof of compliance with Government requirements.

Another important aspect of the bill is rehabilitation facilities provided for victims. Not only is the rehabilitation of the victim not going to be contingent on the criminal proceedings or outcome of the case, there will also be the creation of a rehabilitation fund. This will provide for the physical, psychological and social well-being of victims, including investing in their health care, education and safe accommodation.

In fact, one of the key takeaways from the bill is that it addresses the “transactional nature” of the crime, and instructs the National Anti-Trafficking Bureau to coordinate with “authorities in foreign countries and international organizations” as well as “facilitate inter-State and trans-border transfer of evidence and materials, witnesses and others.”

The human rights framework can be recognized as the most inclusive framework because it takes into consideration both genders as vulnerable in trafficking, recognize that individuals are trafficked for all kinds of work, admit the agency of the trafficked persons, and, finally, it places trafficking in a global process requiring global action. However, this framework also has pitfalls. Like previous frameworks, it views trafficking from post facto end of the spectrum when conceptualizing trafficking. In other words, trafficking has been conceptualized as denial of rights of past the point of control over the trafficked victim by the trafficker. The structural inequities that cause conditions that are conducive to trafficking are not taken into consideration.

# Migration, trafficking, and the state of Jharkhand

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The term human trafficking was rarely referred to the migration policies. Whereas, in today's situation, it is one of the major concerns of the states and other organizations active in the stream of migration like it has been prioritized in many other policy areas as well: human rights, health, gender, and law enforcement (Lacko & Gramegna, 2003). All cases referred to in the present study are related to both migration and trafficking. All who have been trafficked in the state were migrants

There are four times as many internal migrations in the world as there is international migration (UNDP 2009, p 22). India has been characterized as a relatively immobile society (Davis 1951). However, that is not the case according to the recent statistics. Studies (Chatterjee & Bose, 1977; Nair and Narain, 1985; Singh 1998; Zachariah, 1963, 1964) shows that the volume of internal migration low in India but they asserted that about one third of the population has moved out of their birthplace indicating the relevance of migration as a major demographic process in India.

This segment of the study deals with the data collected from the legal ethnography. It explores how migration connects to trafficking. The first section looks at the situation before trafficking: profile of the victims, the recruiting procedure, who traffic them. The second section explores the conditions at the destination: kind of job given and wages. This part will also look at the case of successful migrants: who recruit them, what all were the facilities provided at the destination, changes they made because of migration, education status; and what make them safe, unlike the trafficked victims.

## 1. Profile of the respondents

The total respondents (victims) vary by age, type of migration, destination, character of the trafficker etc. The respondents were from all over Jharkhand. They were spread over a wide age range,

### 1.1. Age at the time of interview

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#### Age

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Age	Number
05-17	49
18-25	57
26-35	18
36-45	2
46-55	3

When they migrated, a big majority of them, forty nine, were minors. Fifty seven of them are young aging between 18 and 25. Majority of the minor victims were either drop out of schools or never been educated.

## 2. Pre-trafficking and recruiting

The reasons for out-migration can be categorized roughly into some categories: poverty, unemployment, lack of regular work, education, business, job, less Income, climate and some minor aspects like farming and Marriage, etc. The educational level of the migrants tends to be lower. Therefore, they were more likely engaged as the unskilled worker. As the analysis shows, in many cases, migrants attributed poverty, and some of them cited unemployment as the principal reason behind migration. There are different kinds of migration from the state. Temporary migration is more visible among them in the case of Jharkhand.

Temporary migration is also one of the most significant livelihood strategies, adopted among the weakest section in rural India, predominantly in the form of seasonal mobility of labour (Breman, 1978; Breman, 1996; Deshingkar and Farrington, 2009a; Deshingkar and Start, 2003; Haberfeld et al., 1999; Keshri and Bhagat, 2012; Mosse et al., 2005; Rao and Rana, 1997; Rogaly, 1998; Rogaly et al., 2001). In temporary migration, Six months is generally used as the maximum duration of a temporary move (Mberu, 2006; Pham and Hill, 2008; Srivastava and Sasikumar, 2003). Temporary migration often used interchangeably with circular, seasonal, short-term and spontaneous migration, has been a subject of much discourse. It is a kind of mobility where the economic activity of a person is moved but not the usual residence (Bilsborrow et al., 1984).

The Migration in the state is also an ongoing process with old migrants attracting/inspiring the new and young. The cases show that hardly any of them decided to migrate own instead all were either convinced or lured by friends, relatives, family or contractor. They all migrate first time too. In some cases, other than economic reasons, trafficking occur because of the increasing human rights violation and the safety concerns back in the source. These include

domestic violence, violence in the public place, violation of women’s rights, land asset issues, etc. Such cases push victims to trafficking circumstances. Marriage-related issues like early marriage, lack of choices regarding marriage are also contributing to the trafficking. Among all the migrants in the present study, barely any of them migrated alone as the majority went with either contractor or with their friends and family members.

### 3. The case of Survived victims

#### 3.1 Who traffic them?

Person involved in trafficking	Trafficker	
	Women	Children
Friend	1	1
Relatives	10	5
Neighbors	1	5
Unknown	2	2
Contractor	33	15

Victims have been trafficked by relatives, contractors, neighbors, and friends. Majorly, trafficking happened through contractors. For contractors, being the residence of source areas or having influence in the local region ease the trafficking process for them. Relatives are the next among traffickers. Their close linkage with the victims and the legitimacy they are acquainted with the victims make trafficking easy for them as well. If it is the experience and the exposure makes trafficking easy for the contractors, it is the legitimacy through the relationship makes trafficking easier for relatives, neighbors, and friends.

Trafficker whether it is relatives, contractors or any other, approach the victims and their parents and try to convince them by making false promises. If the parents are not confident, they lure the victims to run away from home. In such cases, trafficker makes sure that victims run away from home while parents are not present. In many cases, parents realize the missing of their children only after they come back home. The rest of the village realizes it only when they comprehend that she was running away from home. Ratan Kumari [name changed], a girl from Gumla of Jharkhand, was one among them. Raj Nayal approached Ratan Kumari and lured her to follow him to Delhi. Because she was concerned about the permission from her parents, he insisted her to run away from home. One day, when her parents came back from the market, they found she is missing. Then only they realized that their daughter had been trafficked and Raj Nayak was the one who took her to Delhi.

In some cases, victims cheat parents or convey them wrong information and disappear after. The parents realize the trafficking only after the victims are disappeared. In Tavi Soren's [name changed] case, she left home saying that she is going to her relative's house. She went missing on the way. She was already lured by an agent, and she went with the agent knowing that her parents will not allow her to do so otherwise.

### 3.2 How they are being trafficked?

In some cases, victims are forced to migrate because of the crisis back in the home. It is not just about the poverty and destitute rather cases like domestic violence can also make them leave home. In such situations, the agents exploit the vulnerability of them. In Sadamuni Murmu's [name changed] case it was the domestic violence made her eventually leave home. She was married and had two children. Manju Bodra [name changed] was a victim of the same kind of reason.

Unlike all other cases, Devanti Devi [name changed] was sedated and trafficked by the agent and that too by a woman. Devanti Devi is second in her family. Her father works as a *coolie* and mother as a housewife. Devant was married when she was 16. She has two kids as well. A woman agent in the village tempted her to migrate by offering her a better job and a promising marriage. The agent used to meet Devanti whenever Devanti visits the temple. However, Devanti was not interested in the given bids. One day, Devanti was offered a drink by the same women, and she was sedated and trafficked. She was in a new house when she awake. She was trafficked. All facilities for stay and food were provided, but she was neither allowed to leave nor allowed to talk to anyone. A woman was also kept to watch her out. She worked there for around one and half month. Later, she realized that she was sold for forty thousand rupees by the women, who offered her the drink. However, she managed to escape as her family had filed a missing case. In one case, a victim was promised a better education. Sumangali [name changed] was lured by an agent promising a better education. She was taken to Delhi by the agent.

The next session explores the missing victims. The section will help to understand whether there are any threads which differentiate the case of both missing victims and returnee victims.

### 3.3 The case of missing victims

Person involved in trafficking	Women	Children
Friend	-	2
Relatives	3	1
Neighbors	1	-
Unknown	8	-
Contractor	2	2

As the table above shows, there are the victims who went with unknown people always ended up in trafficking. Migrants followed others also victimized for the trafficking in most of the cases. Though migrants approach contractors for the migration, it is more often contractors approach the migrants for the same especially in the case of relatives and friends. The tribes in Jharkhand have this tradition, *mehmani*, of sending their children to live with their relatives for a few months to forward better family bondage. It is only after everything happened parents realize that their children had been trafficked.

Manati Kumari [name changed] left her home to visit her relatives. She went with one of her friends. Her parents thought that she is in the relative's house, but that was not the case. When they enquired, they came to know that she has not reached the relative's house rather she has gone to Delhi with her friend.

Recruitment through romantic relationship is one of the other interesting patterns of the trafficking. In such cases, the victims were usually recruited from source areas by the agents pretending that they are in love with them, and traffic them or connect them with other agents and networks at the destination. The trafficking through intimate relationship makes the follow up of the cases more complicated. The police, in such cases, will hesitate to follow up the case until the trafficking element of the case has been proved. In Kajal Kumari[name changed]'s case, it was found that she was lured by a boy named Karthik. He took her to Hyderabad where he was working.

The case of Pinky Mahto [name changed] is different from the above. It was a man named Raj lured her saying that she will get a good job in Delhi. She was studying when she was trafficked. After Raj, the agent made sure that she has fallen into his trap, he told her to give him her all valuable ornaments so that he guarantees a good job in Delhi. However, she was cheated. Her family came to know about the issue only after she went missing. Raj was also disappeared when he realized that the case is under the police investigation.

The trafficking through contractors is more prevalent in Jharkhand's case. A big chunk of the trafficked victims have been victimized because they choose to leave with contractors who are unknown to them. Mangali [name changed], a delicate, timid, orphan girl from Boarijor village, located in Khunti district of Jharkhand, is one among them. On a wedding day of her friend, Guhiya Pahadiya in Sahibaganj village, a man named Ummed approached Mangali. The man asked Mangali if she wished to go out of Jharkhand to work and earn. Mangali, who lived in severe poverty with her aunt in a small house, found the proposal appealing. She decided to follow Ummed.

Her guardians started searching her ever since they realised that their daughter was missing, but they could not locate her. Boarijor is one of those villages, which have been known for the conflict between Maoist and Indian security forces; and human trafficking cases.

Mangali's guardians assumed, as it is the typical situation in the village, that their daughter either had been taken away by the rebellions or trafficked by agents. Ummed, who had offered Mangali a job, took her on a train to Delhi. On her arrival in Delhi, Mangali was taken to a house, where she worked as a domestic servant for three years. However, she was never paid. She was often beaten up and harassed. Her salary was taken by Ummed every month.

The situation of the victims is worse in those cases in which victims approached contractors for migration compared to the cases, in which contractors approached victims. Nirmala [name changed] approached a contractor to get a job. However, she went missing sooner though she was placed in a house in Delhi as a maid. Krishna Turi, the husband of the victim, was sick for long and he had borrowed a massive amount of money. Now, they have got to repay the money as the debtors started asking back the loan. In such a context, she thought of finding a better option through migration. In Delhi, she was living with Romla Mishra another woman working in the city. One day, Krishna was informed that his wife was missing. She had gone to the temple, but she never came back. Her roommate was sleeping while she went out. They all tried to phone her, but it was not reachable. Krishna tried to find his wife in different ways. Except he was informed that she appeared here and there in the city, but no precise information was received. Eventually, Krishna left for Delhi to fasten the investigation and filed a police complaint. Unfortunately, Nirmala is still missing. Had she gone with a contractor known to her or her family that would have made her case less complicated and would have helped the police to go with the cases further.

Sometimes, victims choose to migrate with friends. In Veena's [name changed] case she went to Delhi with five of her friends. In such cases, contractor, convince any of them to traffic the entire team. A man named Dasru Lohra, a distant relative of Veena, came to meet them in the village. He tried to entice her and family to migrate. However, her parents were not interested. However, Veena and five friends of hers decided to go to Delhi. They left for Delhi without informing their parents. They all were trapped. The case of Pinki Kumari [name changed] was also same. She was lured by her friend Mamta. The trafficker was a woman who is also a relative of Mamta. She took both of them to Delhi and sold there.

The migration with friends has been reported more in cases of adolescents. It is usually migrants who somehow managed to find a job become a motivating factor for the rest. Very shockingly, parents were also involved in the trafficking. Sona Kumaris [name changed] was just 12 when she was trafficked. She went with a relative of her to Punjab. The case follow-up shows that she was trafficked with the consent of her parents.

Those who were trafficked brick-kiln were assured work on the contractual basis, and they were given a certain amount of money as an advance. As far as salary is concerned, promises of high salary were made ranging from Rs. 6000-15,000/- per month. Few agents tempted the innocent tribal girls with the promises of taking them to Mela or for seeing some beautiful places. Incidences have also been reported in other studies that the families were lured on false promises of marriage and the victims were taken elsewhere.

#### **4. Labour migration: Indian context**

Structurally, for the last two decades capital has been mobile for that matter the labor as well though the more of it is not out yet (Srivastava 2011). Nevertheless, the population and works are somewhat mobile than before. The recent development in India has already widened the gap between agriculture and nonagricultural and between rural and urban, and it has already been concentrated in some areas of the country. Uneven growth and the spatial difference in the inequalities and economic opportunities also have a huge role in the pattern of migration (McGranahan, 1980). This spatial difference act even as an attendant of development. When regional fertility and death differential declines, migration becomes the significant component influencing the population redistribution. However, to what extent migration played this role in India's situation is still a question though migration can be increased due to development.

The improved infrastructure and communication, which has also been accompanied by relatively ease transportation and cheap communication have also have impacted in the migration pattern. This change has made significant development in the information asymmetry and speed at which migrants can commute between the origin and the destinations. In the colonial period, the movement was under the force of the authority as they were moved out of coercion and compulsion. But in the post-colonial period, survival rather than the force seemed to be the biggest factor in the movement of people who look for the opportunities to meet their livelihood. However, the trafficking has to be separated from this. Trafficking fundamentally differs from migration as it involves the movement of the people for the reason of exploiting their labor (UN Protocol, 2000).

So, as discussed above, will the development initiatives will reduce migration and thus trafficking? Hein de Hass (2007) argues that it is problematic to believe that aid, trade, and development will decrease migration. This perspective reflects the contestable assumption that migration is objectionable and therefore a problem – the antithesis of development- that subsequently can be solved. He further argues that policies developed to tackle migration are bound to fail because they are primarily based on an assumption about the positive linkage between migration and development in reciprocally related.

The social and economic development tends to associate generally with more mobility and more migration at least in a short term or medium term (Faini Venturini, 1993, Faini and Venturini, 1993; Martin and Taylor,1996; Rotte et al, 1997; Russel and Teitelbaum, 1992; Skeldon, 1997; Vogler and Rotte 2000; Weintraub and Díaz-Briquets, 1994). Migrants are not from the most deprived and isolated communities. Labor migrants do not escape from misery, but moving by the expectation of a better life and right livelihood opportunities. They want to improve their economic status (Stark, 1991). Moreover, people need human and financial resources as well as the aspiration to do so. Migration is not an unwanted by-product, but an integral part of the overall socio-economic development which is conditional on the mobility of labor from rural to urban (Massey 2000).

Other than the material and nonmaterial benefit to people, migration also crucially connected to aspirations which are not constant but typically increase with development in education health and information. In such a context, it is understood that relative deprivation associated with the larger development in life perspective leads them to migration rather than the chronic poverty. Therefore, poverty eradication is not itself is migration control strategy. The

aspirations tend to increase rather than the livelihood opportunities. An adolescent group from Loerdega, Jharkhand during my fieldwork, shared their plan to migrate after they finish their education. They also shared that migration has been growing in their location along with the enhancement in the development actions. The improved infrastructure and communication, which has also been accompanied by relatively ease transportation and cheap communication have also have impacted in the migration pattern. This has made significant changes in the information asymmetry and speed at which migrants can commute between the origin and the destinations. In the colonial period, the movement was under the force of the authority as they were moved out of force and compulsion. But in the post-colonial period, survival rather than the force seemed to be the biggest factor in the movement of people who look for the opportunities to meet their livelihood. So, there should be a paradigm shift in the perspective we look at the trafficking issue.

Other than the material and non material benefit, migration crucially connected to aspirations people, which are not constant but typically increase with development in education health and information. In such context it is understood that relative deprivation associated with the larger development in life perspective lead them to migration rather than the chronic poverty. Therefore poverty eradication is not itself is migration control strategy. During my fieldwork an adolescent group from Loerdega, Jharkhand, shared their plan that they are preparing to migrate after they finish their education. It was also shared by the participants that the migration has been growing in the location along with the enhancement of the development actions.

Other than aspirations, liberation from the oppression also plays a crucial role in the migration. Sarita's [name changed] story is an example of that. She currently living and working in Mumbai as a home maid. She is seventeen years old, now. She had never been to school yet. However, she manages to speak three languages though she is not able to read and write any of them. Before she headed to Mumbai, she was brought to Delhi by one of the labour contractors from her village. She worked there for about one and half years, but she was never paid. As she was completely lost and unsatisfied, somehow, she managed to escape Delhi and came back home. During my filed work, I was so curious to know more about her; her experiences back in Mumbai, her thoughts, and her further plans. "It has been just two weeks I am back in the village. Though I am happy that I am with my mother right now, I am not very comfortable with the village life here. It is very boring here! I do not feel

much freedom here as a girl as I feel in Mumbai”. She opened up! “I know I belong to this place. Of course, I born and brought up here, but let me say that I find it more comfortable with the Mumbai life now. My migration brought up a lot of changes in my life and opportunity to closely see and feel the outside world. I am going back sooner”!

Migration for them is simply not a consequence of economic constraints of staying home as it is generally being observed. It is usually understood that labour migration of people like Sarita is a broader result of exploitation and oppression characteristics of capitalist production (Breman, 1985). It is also understood that the contemporary migration in the country is not just the result of modernisation rather long have been a central feature of the life within the Indian subcontinent. Jharkhand’s case is not different. De Haan (2002) has argued that circular out-migration from Bihar, the state from which Jharkhand separated is at least a hundred years old. The destinations of those times were coal mines; tea plants etc. run under the colonial regime in different part of the world<sup>1</sup>.

However, the cases like Sarita, describes that migration can also happen because of the oppressive social norms present back in the birthplace which forces migrants to find a form of emancipation from them. On the same line a prominent scholar Alpa Shah (2006) argued that, based on his study conducted in the brick kilns of Jharkhand itself, far beyond financial motivation and notwithstanding harsh working conditions, brick kiln migration is experienced as liberation from social oppression.

This is clear from the age gap of the respondents of this study as well. The age gap shows that it is not about the livelihood and fighting poverty rather the aspiration plays a huge role in their life. People who are above 35 hardly migrate from the state. Though the migration has been seen as illegal for someone under eighteen years old the huge majority of the migrants are adolescent girls. Generally people under eighteen generally do not concern much about the livelihood opportunities rather the data shows that they were either interested to explore the outer world or to earn money. Earning money does not always indicate the livelihood responsibilities rather the interest in earning money and getting empowered can also be an element in their migration.

# Forced labor, bonded labor, and trafficking

The destination of the trafficking victims from Jharkhand is quite variant. Delhi is seen as the favorite destination of the migrants. Both women and adolescent prefer Delhi as their destination. Delhi is because diverse opportunities; the city is quite approachable for the migrant from this part of the country; there are trains directly go there; different agents/contractors available in the source are also based on Delhi. Moreover, the examples of the successful migration to Delhi also play a role in attracting new migrants to the capital city.

## 1. Destinations

Destinations		
Destination	Women	Children
Delhi	31	33
Gorakhpur	1	
West Bengal	1	
Gazipur	1	
Tripura	1	
Tamil Nadu	8	
Kolkata	2	
Ranchi	6	
Amritasar		1
Gorakhpur	1	
Patna	1	
Haryana	1	
Sahbganj		1
Jmashadpur		1
Kanpur	1	
Goa		1
Bhubaneswar		1
Hyderabad		1
Kolkata	2	
Gujarat	1	
Surat	1	

After Delhi, preference for remaining destinations seems similar. The geographical allocation of the destination can be seen focused in the northern part of India. Generally, they migrate to the states, for instance, West Bengal, Uttar Pradesh, Bihar, and Haryana. The studies show

that there is an increase in the migration towards south India, but this pattern of migration is mainly dominated by the male migrants. Women only accompany their spouse or the family in the process of migration. The language also has a huge role in the choice of migration. The language in south India: Tamil, Malayalam, Telugu, and Kannada is difficult for people from north India. Because women migrants choose to work as homemade and other household works the language has a prominent role in their day to day work. These kinds of work in north India make their job easy as these areas largely dominated by Hindi. In all the cases, Gujarat and Tamil Nadu are the far two states migrant choose as the destination.

There are considerable differences among the victims with regards to the kinds of work done and the destination. While trafficking for brick kilns is the main trend in destinations like W Bengal, Delhi, and other metropolitan cities are known for domestic work and other household works.

## 2. Works at the destination

Work at the destination	Returnee migrants		Missing migrants	
	Women	Children	Women	Children
Brick kiln	7	1	-	-
Domestic work	15	28	6	3
Agriculture	1	-	-	-
Construction	-	-	1	-
Company	18	-	4	-
Other	-	-	-	-

The types of work done by the labors are generally in brick kilns, domestic work, agriculture, construction, company, etc. The response shows that mainly they tend to choose domestic work followed by the company work.

## 3. Bondage system

Predominantly, bondage system prevails in most of the sectors where victims are taken. Srivasta's (2005) study reveals the compelling facts of labour in a wide range of economic sectors across India. Though the traditional form of agrarian bonded system has been declined substantially, new forms of bondages have been appeared in many other sectors of informal economy. Migrant labours are more vulnerable to the new bondage system through the recruitment systems prevails in the sources of migration; labour contractors and mediators

lure the ill informed migrants by making advance payments or false promises of big possibilities at the destinations.

Bonded labor is characterized by a creditor-debtor relationship between the employer and employee which can later spill over to the other members of the family. Thus, it can be for an indefinite duration and involve unfavorable contractual condition not justified according to the prevailing legal system in the country or even by succeeding state of the market. The relationship here is not always economical as the system can also be enforced by the customs and or force. The status of various categories of labors in India has been historically circumscribed by the social structure, which also determines the access of labors to the land, other means, and productive assets.

Debt bondage is a form of forced labour as the element of compulsion arises out of the debt in such cases. The United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery (1956) defines debt bondage as “the status or condition arising from a pledge by a debtor of his personal services or those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited or defined” (Article 1(a)).

The law dealing with bonded and forced labour was legislated by the Indian Parliament in 1976. The Bonded Labour System Abolition Act (1976) of India is quite extraordinary in that it recognises (a) the overlap between forced labour and bonded labour in customary relationships, and also (b) the manifestation of these relationships in contract labour and inter-state migration, and (c) considers the nature of restraints suffered by the labourer as a result of the bonded/forced labour relationship, and makes all of these illegal. Section 2 of the Act sets out the definition of bonded labour; extracts of the Section are reproduced in full at Annex 1 to this paper. The Act defines ‘bonded labour’ as a service rendered under the ‘bonded labour system’. This is a system of forced, or partly forced, labour under which the debtor enters into an agreement, oral or written, with the creditor

The term, bondage system refers to the workers who provide services under conditions of bondage arising from economic considerations, notably through a loan or advance. The debt is the cause of the bondage, and the inference is that the worker including their dependents or

heirs is bonded to a particular creditor for a specified or unspecified period (ILO, 2001:32). The issue of bonded labour has been studied and analysed by different scholars. Thomas (1995) has pointed out that the bonded labour is the main characteristic of rural labour based on the urban, rural market segmentation. He also termed it as an extreme form of labour exploitation in South Asia. Recent pieces of evidence also suggest that bonded labour or debt bondage is a widespread form of forced labour, particularly in South Asia and above all in India (ILO, 2009).

Bonded labour system, from the perspective of the industry, is a labour management strategy to deal with the technological changes and the market fluctuations (Guérin, I., Michiels, S., Ponnarasu, S., & Venkatasubramanian, G, 2012). When the market booms or declines, for industries, bonding labourers with debt can be a way to cope with the 'labour problem'. i.e. attracting and disciplining workers (id). This is clear with the cases of Brick kilns: considering that there is no consistent growth in a dynamic construction sector, migration and debt are increasingly strategically used by brick kiln employers to deal with the labour capital (id).

Employees, still, might have joined the job voluntarily because of the economic necessities but once they enter into this relationship they are locked by multiple asymmetries and unbearable exit costs, which were not part of the contract. It denies various freedom: choosing job, choosing employer and location, entering into a new contract or renew the contract, negotiate the terms and conditions etc. The characteristics of the bonded system in India is also part the transition in the economy and the society. Also, it has to be largely understood in terms of the nature of the interaction between poor and developed regions and between traditional and modern sectors.

However, there are changes. Earlier the landless villagers used to work as bonded labour on the lands of the Landlords or Zamindars, and it used to take months and years to repay those loans and still there was no money saved. But now the migrants worked as per their wishes and were free to choose and change the nature or place of work.

Brick kilns are one of the major destinations for the migrants. What makes the brick kiln different from the rest of the options available is bondage system. Predominantly, bondage system prevails in the brick kiln industry as well (Ateeq, N., & John, J. 2003). The migration

into brick kilns, generally, happens in group. So, it can be analysed that the children might have migrated with the elders in the family.

The interesting fact is that none of the migrants are missing who are migrated to brick kiln. None of them are trafficked. The possible reason can be the circular migration. The circular migration makes sure the return of the migrants as their rest of the livelihood is attached to the farming back in the sources. The migration to brick kilns is also because of the long historical movements of migration. Moreover, the migration to brick kilns also happen in a group, usually in family.

#### 4. Wages and salaries

Wage	Returnee victims		Missing victims	
	Women	Children	Women	Children
Advance received before migration	6	-	-	-
Wage received	1	-	-	-
Wage not received	7	9	1	-
Incomplete wage	14	5	1	-

The general trend of the wage is deplorable. It can be analyzed that the minor victims never received payments. Those working in the Brick kiln or as contractual labor were given some money from the salary to meet the needs/ food cost whenever required/weekly and the rest amount was handed over while coming back after deducting the expenditure incurred on food, accommodation, electricity, and health. The wage status of the missing victims is received from their parents or whoever reported the case.

#### 5. The case of successful migrants

The successful migrants are those migrants who managed to find a job and other requirements at the destination. They are in touch with their family back in the village. Here are some of the reasons, which measured as the positive elements of the migration, facilities provided at the destination. The section looks at what makes them successful, their background before the migration, who did they migrate with, what kind of job they did, and the impact they made back in the source areas.

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#### Facilities provided at the destination

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Required leave	13	2
Salary on time	7	1
Separate room for accommodation	2	

The wage is one of the primary things, which decides the success of the migration. All of them were paid, but there can be differentiation in the wage. However, eventually, they are paid for their work. Other than the salaries, many of them were given other facilities such as food and accommodation, communication facilities and the required rest. Some of them were permitted leave, which is needed for the migrants to keep their family in the loop so that they make sure the safety of the migration. Some of them even provided with proper accommodation, for instance, a separate room. Receiving salary on time is also an essential factor. In a couple of cases, some of them did not receive salary on time, but eventually, they managed to get it at least before they come back home. The salary of the migrants, who went with contractors, usually, will be received by the contractors. If the agency is registered and everything is proper the salary will be transferred to the migrant's account, eventually, after the deduction of the agent's commission. However, in the case of trafficked victims, their salary will also be received by the agent, but that will end up as their sales value. They are sold. Now, let us look at how did they migrate and who are they migrate with.

### 5.1 The mode of migration

Person involved in migration	Women	Children
Own	2	-
Friend	4	-
Relatives	9	4
Neighbors	-	-
Unknown	-	-
Contractor	5	

Choosing a mediator is very critical in the process of migration. When we compare the case of successful migrants with the trafficking victims, it can be seen that none of the successful migrants have gone with unknown agents. And, another interesting fact is that all four successful minor migrants in this study chose to go with their relatives though they decided irregular migration. After relatives, it is friends and contractors are the facilitators of the migration. As far as the case of contractors concerned, the reputation and the registration of placement agencies are what matters.

In all cases, two of them who migrated alone are also seen as successful in the migration process. The information they collect before they leave and, perhaps, the presence of relatives or friends at the destination matter in the migration.

The journey with relatives makes the migration safer than the rest because it helps them to make sure the safety and the relief in the critical stages. In the case of close relatives, they make sure the accommodation and the food for them. Otherwise, in many cases, the traffickers, sometimes, do not disclose the details of the destination.

Suvasti [name changed], 19, lives in Bangru village, Gumla of Jharkhand. Her father is coolie (daily wage) and her mother is house wife. She has five siblings: four sisters and one brother. Suvasti is younger than the other three sisters. She has a younger brother who is in fifth grade. All her sisters are married. She appeared her Matriculation examination in 2016. However, she left her studies after she could not clear the exam and started to engage as a home maker with her mother.

In August, one of her married sisters and brother in law visited them in the village. Both of them are working in Mumbai as house maids. They enquired Suvasti about her Matriculation and the future plans. She replied that she left schooling after she realized that it is not her calling. Her brother in law suggested her to follow them to Mumabi if she is interested to work there. Suvasti had a thought about it in the next two days and decided to go ahead with the Mumbai plan finally.

Her brother in law came back home again and made sure the consent from Suvasti's parents. Thus, after one week, they set off for Mumbai. She stayed with her brother in law for the first two days after they reach Mumbai. On the third day, she was put to work in a house as home maid. The proposed salary was 7000 rs, which was incremented to 8000 rs after one month.

There were five people in the house where Suvasti works: the owner of the family, wife (house holder), two children and their grandfather. Both grandfather and the owner go for work every day; children go to school and only his wife remains in the house.

Suvasti wakes up seven o'clock in the morning and sleeps at 11.30 in the night. Her daily routine begins by preparing breakfast and make the children ready to go to school. She does the housekeeping work after that. She manages to get her meals on time. A furnished room has also been given to her for the stay. She gets two days holiday in each month. She spends

her holidays in church and with her friends. She receives her salary in the second week of each month. She saves money and send back home through the owner’s bank account.

She has a phone to keep in touch with her parents and siblings back in the village. House holder treats her as a friend and both the children see her as sister. When she wanted to travel back home her owner only booked the ticket for her. She came back to her village on 9<sup>th</sup> January 2017. She stayed back three months in the village and went back Mumbai on 15<sup>th</sup> March 2017. The next section will look at the kind of work done by the successful migrants.

## 5.2 Work at the destination

<b>Work done</b>	<b>Women</b>	<b>Children</b>
Domestic work	13	2
Care taker	1	2
Company	2	4
Brick kiln	9	-

The larger pattern of migration of successful migrants is domestic work followed by the brick kiln. The case of the brick kiln can be seen as the destination for the successful migration. Families who migrate to this kind of jobs see it as a thriving destination.

Sumati Devi [name changed] and her husband Dilmohan [name changed] chose seasonal migration to a brick kiln. According to them, it was a good job livelihood opportunity as they lack the same back in the source. They both decided to leave the village to work in the brick kiln in Nagra district of Uttar Pradesh. According to them, the owners of the brick kiln were perfect to work with, even; their health care was taken care of. Every Sunday was a holiday. They used to send money to the children's account every month to take care of their education at home. Their children were studying in the village school. Therefore, they did not bring them together unlike the other families migrate to the brick kiln.

Besides working there, it was also crucial for them to feel and experience the life outside the village. According to them, it gave them an opportunity to be in touch with people from different part of the country. Now they are back in the village. Though they still would like to outside and work, they prefer to remain in the village as they want to be with their children. They have been employed in the MGNREGA right now. The authority also warned the villagers that the scheme would not be available anymore if the villagers are not employed in

the same. They do not understand the forced labor element and exploitation behind the brick kilns. They are getting paid does not make sure that they are safe and well settled.

### 5.3 Impact of successful migration

<b>Changes after the migration</b>		
Send money back home	13	2
Educated sibling	7	1
Help for the marriage of the siblings	2	
Constructing home	1	
Clearing debts	3	

The success of the migration is also measured through the contribution they made back in the village. The successful migrants contribute in different ways to their villages. First of all, they save money and send back to the village. The remittance used in various ways: the education of the siblings, the marriage of their siblings, construction of homes, and moreover clearing the loan they or their parents have. It is appreciable that a good majority of them spend money for the education of their siblings. Even in the cases of other jobs it was used constructively back in the village. Clearing debts is another major thing they use their remittance for. Debt baggage usually considered as a significant issue in the village, especially for the farmers. The next session looks at the education background of the successful migrants.

### 5.4 Background of the migrants

<b>Education status</b>		
Below Metric	13	2
Metric	7	1
Inter	2	
BA	1	
Training	3	

The education, perhaps, does not play any role in the case of migrants because the majority of them are still educated only below Metric. Though the half of them are educated above metric, it has not played a prominent role in their choice of the job as they were also employed in an unskilled sector like the other returnee victims and missing victims. Of course, there is this possibility that they might have been aware of the migration and its consequences because of literacy.

In the case of trained labors, there is this possibility of getting employed in the proper sector. There are cases of girls who migrated to big cities to work in the industries, for instance, the job of a security guard. Amita Kumari [name changed], 18, is a Matric passed girls is one among them. She has two brothers and two sisters. Because her father was unable to afford the further education, she joined 'Roshni Training,' which is a training programme for Security and Guard services.

She was posted in Bangalore as a security officer of a hospital after the training. Her basic salary was 8,000 rs, which was incremented to 15,000 now. Whenever there is a need for money, she sends money back home via the bank. She also spends money on the education of her siblings. Her family was proud of her. Now, they have a T.V as well in their home. She was happy when she came back home for two weeks after two years on the 1st of July 2017. However, according to Amita, she enjoys the Bangalore life than the life back in the village.

The cases also show that discontinuing education due to weak performance or whatever also makes them migrate. In the case of Suvasti [name changed], it was her failure in the metrics lead her to the further migration. When they become jobless, it seems natural to lure them to migrate. Other than all of these, there is this possibility that some of the migrants are eventually successful not because they had taken the precautions before they leave instead they luckily ended up in a good job.

Sunita Tigga [name changed] is the eldest of her siblings. She has six siblings. Father and uncle are drunkards. Mother always remains sick. Two of her brothers are married. Sunita is unmarried. They have land as property but which is in dispute. She has been taking care of the land for the last seven years. She wants the land to be free from the dispute and get the permanent ownership.

Once, she met with an acquaintance, who is an agent, offered her a midwife job in Delhi. He used to take people from the village to work outside. She left the village without informing her parents. Her family came to know about her migration later from the contractor who took her with. Sunita was lucky enough to end up in a good family in Delhi, unlike many other migrants. She managed to take care of her family with the savings she has. She also tried to change the character of her father. Moreover, she approached the villagers to intervene in the land dispute issue and to find a permanent solution for that.

## **6 Possibilities of a holistic approach in human rights activism**

The discussion above shows that the key to ending trafficking is to eradicate poverty and reduce the socioeconomic inequalities along with policy interventions. Jharkhand Anti Trafficking Network (JATN)'s anti-trafficking campaigns diverge from the existing trend. Unlike the current approach of stop migration to prevent trafficking, this network promotes the approach of safe migration to help prevent human trafficking and raise the issue of trafficking as violence against women and girls in the public domain.

The network creates this awareness through pre-departure counseling and legal knowledge. They use their platforms such as, migrants forum and adolescent groups. The primary and essential way to understand the conceptual clarity of the organization is to look at the IEC materials of the organization. The IECs JATN has published do not illustrate the symbolic and stereotypical construction of femininity (victimized for trafficking) and masculinity (traffickers). Unlike the existing ways of communication/awareness materials for anti-trafficking campaigns (wounded, trapped and dead bodies, women like dolls, etc.), it attempts to show case the positive side of the migration and how to make it safe. These materials aim at raising awareness about trafficking in women and children by addressing the targeted community (potential migrants, migrant returnees, and trafficked victims), the general public, the law enforcement and legislative institution, etc.

Close analysis of the existing anti-trafficking communication materials, otherwise, show that the victimization of images goes hand in hand with eroticisation of women. Andrijasevic (2007), in her study of the anti-trafficking campaign in the eastern European context, explores how representational strategies of different anti-trafficking initiatives convey the danger of trafficking equate the migration of women and children migration with forced prostitution, encourage women to stay at home, and result in an eroticised demonstration of women's bodies. Thus, she argues, these communication Medias attempt to stabilize the socio-political destabilization of the socio-economic environment by trapping women within the highly immobile boundaries of the sign women. The representation of violence through this communication process is thus violent itself since it confirms the stereotype about the women; equate the feminine with the passive object and to maintain an image of social order. This kind of representation performs the familiar scenario where female bodies are portrayed as passive objects of male violence and are positioned within the spaces of home and nation.

However, JATN understands the fact that the representation of the theme of forced prostitution and other negative consequences of the migration interrupt the narratives of successful/hopeful migration and entails that for female migrants sex industry and forced labor the end-stop of their migration. Instead of discouraging labor migration and stressing that staying at home as the safest option for women, this IECs of JATN empowers to migrate safely. Otherwise, by depressing, the anti-trafficking campaigns places images of women within the traditional representation of womanhood, which position women outside the labor market and inside the territory of home thus to consign women to reproduce within the private sphere (Sharma, 2003).

The traffickers in the source areas of Jharkhand and the destination areas of North India work as a network and are much organized. This trafficking from Jharkhand, as some of the recent rescues reveal, is reasonably organized. These agencies take advantage of legal loopholes to traffic mostly innocent girls in the name of providing employment but instead are put into extreme conditions of forced labor. These issues have to be dealt from the litigation point of view. However, causes of trafficking in Jharkhand like Illiteracy, lack of sustainable employment, inadequate irrigation facilities for agriculture, single crop patterns, lack of awareness, political instability, etc. that make people vulnerable to trafficking have to be addressed through socio-economic initiatives. Because Traffickers take advantage of these situations that make people vulnerable to agreeing to unsafe migration that then ends up as victims of trafficking.

Other than creating awareness among the community, the network deals with the different state and non-government stakeholders to deliver justice to the victims. JATN complements AHTU in tackling trafficking in the state. AHTU is a special unit of the police department to deal with the trafficking issue mainly. Even though AHTU has been designed as a comprehensive institution, it has its limitations. A detailed study has been done by JATN in this regards.

Cases have been filed and prosecuted in different AHTUs across the state. According to the National Human Rights Commission (NHRC)'s Action Research Study Report on 'Trafficking in Women and Children in India,' there is a shallow level of awareness about the crime of trafficking amongst police personnel. Furthermore, trafficking is a low-priority crime for police, as crimes such as murder, rape, arson as well as general law and order

matters take precedence. To address the low levels of awareness and law enforcement gaps and, thus, to curb trafficking, the Ministry of Home Affairs mandated the creation of Anti-Human Trafficking Units in states across India. AHTUs are an integrated task force to prevent and combat trafficking in persons. Each AHTU is to attend to all the three aspects of trafficking viz, prevention, protection, and prosecution. They constitute a group of trained, sensitive officials of the Police and the Women and Child Welfare and department of the State, and also reputed local NGOs. They are supposed to function as coherent field-level units that provide a multidisciplinary approach and a joint response from all stakeholders. No doubt, this special unit of police plays a necessary role in not only law enforcement but also in facilitating the redressal of grievances of the victims of human trafficking. As the perceived guardians of the law, it is the police whom the victims of crime approach for justice.

Moreover, by the very role they play in enforcing the law, police officials come into contact with traffickers and other violators of the law. However, there are some gaps to be filled as well. According to a study conducted by JATN shows that the AHTU scheme has not been implemented ideally as it appears that the human resources and infrastructure available in each unit are either incomplete or not sufficient enough to combat issues like human trafficking. This scheme is to be primarily implemented by the State Governments

# Labour, agency, and rights

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During my case analysis and fieldwork in Jharkhand, I understood that the experience of migrant labor, in the process of migration and work fall along a broad spectrum. At one end of the story, the individuals who have been thoroughly deceived about the working conditions at the destination, are confined to the workplaces, are physically or sexually abused, etc. At the other end, migrants who mobilized with full knowledge and agency; and who are not deceived or mistreated by contractors or employers. All the cases fall between these two poles. In some cases, one's initial consent of the kind of work they are is diluted by subsequent unexpected demand or conditions; or the individual consents to performing a task that they initially considered distasteful but later define as acceptable because of its economic benefit – a very fine line between deception, socialisation by other participants, and normalisation of previously disliked task (Molland, 2012). The overall trend of placement whether it is the case of missing victims or returnee victims for that matter the successful migrants, forced labor seems present in all the cases. In all the cases, either they were forced to work or were not given the worth reward. The present section looks at forced labor as the core issue whether it is trafficking or migration: how come the available legal frameworks are not sufficient enough to tackle trafficking, what all the possible alternatives.

## 1. The case of forced labour

The International Labour Organization (ILO) Forced labor Convention N0. 29 (1930) defines forced labor as “all works or service that is extracted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (Article 2). The idea of forced labor is based on the liberal concept of freely chosen work, notwithstanding some exceptions as mentioned in the convention. Even if someone entered into a labor agreement voluntarily, his or her consent becomes not relevant if coercion or deception was used (ILO 2005). So, according to this definition all trafficked victims are victims of forced labor. The term victims do not imply that labor who suffered coercion and deception are entirely helpless in the hands of exploiters. In some cases, they may not see them as victims either.

Labor under such circumstances can be quite harsh and manifests itself in an unfair deduction from the wages, lack of pay, lack of payment altogether, confiscation of documents, inhuman living and working conditions deprivation of liberty like phone calls back to home, beating and sexual assaults. Laczko, F., & Gramegna, M. A. (2003). The lived experiences of migration and trafficking vary tremendously. They vary from highly exploitative and coercive to cooperative, consensual, and mutually beneficial relationships between migrants and their contractors, with more complex areas in between the two poles. Some contractors are relatives, friends, or associates who recruit workers and facilitate migration- an individual who have a very different relationship with migrants than those who use force or deception or engage in dangerous and systematic abuse.

As mentioned, forced labour is a common issue in all cases. Forced labour has been connected to trafficking. The Supreme Court of India has taken a wide view of what may constitute 'force' in a labour relationship, stating (also in the *Asiad Workers' Case* (1982) and the *Bandhua Mukti Morcha Case* (1984).

“Any factor which deprives a person of a choice of alternatives and compels him to adopt a particular course of action, may properly be regarded as 'force' and if labour and service is compelled as a result of such 'force' it would be 'forced labour'. The word 'force' must be construed to include not only physical or legal force but also force arising from compulsion of economic circumstances which leaves no choice of economic circumstance to a person in want and compels him to provide labour or service even though the remuneration received for it is less than the minimum wage. Therefore, when a person provides labour or service to another for remuneration, which is less than the minimum wage, the labour or service provided by him clearly falls within the scope and ambit of the words 'forced labour'.”

Thus, one of the important outcomes of the forced labour relationship, according to the Act and subsequent Supreme Court judgements, is the payment of the labourer at wages which are below the prevailing market wage or the legally stipulated minimum wage (Srivastava, 2005).

## **2. Possibilities of a labor approach**

As discussed previously, the latest framework among the existing anti trafficking legal initiatives is the human rights framework, which was introduced as a response to the gaps in the previous frameworks. This framework considers that trafficked persons are victims for human rights violation, stopping and punishing trafficking requires multi-level game of coordinated development, communication concerning activities of transnational criminal groups, mutual assistance in law enforcement, provision of social services to trafficking victims, economic development in source countries, and reform in migration policy, involving both state and non state actors at the international, national and local level.

Shamir (2012), in his work, goes for a paradigm shift from its predominant human rights approach to a labor approach that targets the structure of labor market prone to severely exploitative labor practices. This new approach offers more effective strategies for combating trafficking. The human right approach is an individualistic, victim-centered approach that treats trafficking as an exceptional crime. The objective of this approach is to save the individual from harmful work experience and environment and ensure ex-post aid. In such cases, victims are passively involved in the process of their rescue, rehabilitation, and repatriation. Whereas the labor approach in tackling trafficking seeks not only help the victims rather make sure that they have been removed from the exploitative environment but also to transform the structure of the labor market that are particularly susceptible to trafficking.

The labor approach understands the labor as the agent and enforces the possibility of an ongoing relationship and bottom-up change that can happen by changing the structural causes of power disparities. What makes it crucial is the ex-ante transformations it makes in the economic conditions and legal rules and regulations that enable severe forms of labor exploitations. Thus, labour approach, reach to strategies of collective action and bargaining, protective employment legislation, contextual standard setting, in its attempts to regulate the unequal power relations in labour sectors susceptible to trafficking.

This approach also contribute into the transformation of changing the power relations through laws: background rules of private law (property, contracts, and torts), immigration regime, relevant policies, criminal law, specific welfare policies to the extent that these elements of the legal order which affect the bargaining power of the labor parties.

The other point of difference between the two approaches is, thus, the conceptualization of the exploitation in the context of trafficking. The human rights approach sees the trafficking as an exceptional crime whereas the labor approach sees it as the instance of severe exploitation that shares characteristics with other forms of worker commodification, which is, typical of all employment contracts. Human rights are concerned with the power of the individual relative to the state. It is about claiming the rights of the state for its citizens. Labour rights have tended to be more collective to be more collective oriented, stressing about the power of a group of labors about the employers, capital (Kolben, 2010).

From a sociological point of view, the difference between these two concepts contributed in to significant achievements of its goals: mostly in the form of unions, emphasized class struggles, solidarity, and socioeconomic concerns, collective bargaining, contextualised bargaining as the main avenue to contextualize the bargaining power to improve the working conditions for labour and for increasing workers' share of profit (Arthurs, 2011). The human rights movement, in contrast, has focused on identity-based struggles, civil and political rights, absolute universal values, and entrenching human rights in national constitutions and legislation (id).

# Conclusion

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Despite the different measures taken by the state, human trafficking have become more organised, well set and expanded to different other forms as well. Sex labour and bonded labour comprise the vast majority of trafficking in India though begging industry and organ harvesting have also noted. It is the denial of socio-economic and human rights that end up in loss of control over life and, for that reason, trafficking and exploitation.

However, the anti-trafficking campaigns in the country as well as outside inadvertently alter the focus from the forced labour migrants who are severely exploited to the ‘duped’ female migrants ferried into underground prostitution. The display of sexual slavery stories repeated in the public sphere creates a national panic over the mobility of the people across borders. It also helps the nation states world-wide to hide its role in the causes of labour trafficking and to stop further migration. The created nervousness generates a collective backing for an increase in state power in militarising the migration control needed to detain the victims and return the subjects to the territory. By creating fear over mobility, especially, of women and children, the media and other stakeholders work in tandem with state surveillance to halt migration instead of creating a safe avenue for migrants to find the needs.

Here, Jharkhand Anti Trafficking Network (JATN)’s anti-trafficking campaigns diverge from the existing trend. Unlike the existing approach of stop migration to prevent trafficking, this network promotes the approach of safe migration to help prevent human trafficking and raise the issue of trafficking as violence against women and girls in the public domain.

Human trafficking laws have been criticized as it deals with trafficking from post facto end of the spectrum when conceptualizing the issue. Trafficking has been conceptualized as denial of rights of past the point of control over the trafficked victim by the trafficker. The structural inequities that cause conditions that are conducive to trafficking are not taken into consideration. Trafficking has to be understood not only as the rejection of rights post-trafficking, but also a denial of rights prior the trafficking incident. It is the denial of socio-economic and human rights that end up in loss of control over life and, for that reason, exploitation.

Earlier this year, the Union Cabinet, chaired by Prime Minister Modi, approved the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill 2018<sup>ii</sup> for

introduction in the parliament. The bill marks a major step towards combating the issue of human trafficking in India; however, it does have certain pitfalls. The bill helps to take into account three key areas of combat. However, one needs to remember that trafficking in human beings is not an episodic phenomenon affecting a few individuals. It is instead a structural problem, with extensive implications on the social, economic, and organizational fabric of our societies. A variety of reasons such as deepening poverty, deteriorating living conditions, persistent unemployment, human deprivation, and hopelessness promote human trafficking, and till the time we aim to combat these basic social problems, the structural cycle promoting human trafficking will continue to exist.

Therefore, different development themes have been suggested to tackle human trafficking. They are strategies for poverty alleviation, sustainability, and community partnerships. The assumption is that socio-economic development can reduce poverty, and thus, irregular and circular migration, which end up in trafficking. In India's case, trafficking networks hugely exploit the vulnerability of the migrants.

The term human trafficking was rarely referred to the migration policies. Whereas, in today's situation, it is one of the major concerns of the states and other organizations active in the stream of migration like it has been prioritized in many other policy areas as well: human rights, health, gender, and law enforcement. India has been characterized as relatively immobile society. However, that is not the case according the recent statistics. Studies shows that the volume of internal migration low in India but they asserted that about one-third of the population has moved out of their birthplace indicating the relevance of migration as a major demographic process in India.

It is problematic to belief that aid, trade and development will decrease migration. This perspective reflects the contestable assumption that migration is objectionable and therefore a problem – the antithesis of development- that subsequently can be solved. The policies developed to tackle migration are bound to fail because they are primarily based on an assumption about the positive linkage between migration and development in reciprocally related.

The social and economic development tends to associate generally with more mobility and more migration at least in a short term or medium term. Migrants are not from the most

deprived and isolated communities. Labour migrants do not escape from misery, but moving by the expectation of a better life and good livelihood opportunities. They want to improve their economic status. Moreover, people need human and financial resources as well as the aspiration to do so. Migration is not an unwanted by-product, but an integral part of the overall socio-economic development which is conditional on the mobility of labor from rural to urban.

Other than the material and nonmaterial benefit to people, migration also crucially connected to aspirations which are not constant but typically increase with development in education health and information. In such a context, it is understood that relative deprivation associated with the larger development in life perspective leads them to migration rather than the chronic poverty. Therefore, poverty eradication is not itself is migration control strategy. The aspirations tend to increase rather than the livelihood opportunities. An adolescent group from Loerdega, Jharkhand during my fieldwork, shared their plan to migrate after they finish their education. They also shared that migration has been growing in their location along with the enhancement in the development actions. The improved infrastructure and communication, which has also been accompanied by relatively ease transportation and cheap communication have also have impacted in the migration pattern. This has made significant changes in the information asymmetry and speed at which migrants can commute between the origin and the destinations. In the colonial period, the movement was under the force of the authority as they were moved out of force and compulsion. But in the post-colonial period, survival rather than the force seemed to be the biggest factor in the movement of people who look for the opportunities to meet their livelihood. So, there should be a paradigm shift in the perspective we look at the trafficking issue.

Scholars have already discussed this aspect; a shift from its predominant human rights approach to a labour approach that targets the structure of labour market prone to severely exploitative labour practices can be an alternative. It is more relevant at least in Indian context because labour trafficking is the major trafficking issue in the country. This new approach offers more effective strategies for combating trafficking.

The human right approach is an individualistic, victim-centered approach that treats trafficking as an exceptional crime. The objective of the human rights approach is to save the individual from harmful work experience and environment and ensure ex-post aid. In such

cases, victims are passively involved in the process of their rescue, rehabilitation, and repatriation. Whereas, the labour approach in tackling trafficking seeks not only help the victims rather make sure that they have been removed from the exploitative environment but also to transform the structure of the labour market that are particularly susceptible to trafficking.

As far as the current human trafficking law/law enforcement concerned, the criminal law-related provisions, the ex-post aid for trafficking victims, receive much greater attention; this is the common criticism against existing anti-trafficking initiatives. However, we need policies and actions, which ensures the rights of labours in the market itself and stop forced labour.

Therefore, the policy actions must judge all these aspects of forced labour in order to make sure a right based labour market mechanism, which can, consequently, challenge the labour traffickers. The labour approach understands the labour as the agent and enforces the possibility of an ongoing relationship and bottom-up change that can happen by changing the structural causes of power disparities. What make it crucial is the ex-ante transformations it makes in the economic conditions and legal rules and regulations that enable severe forms of labour exploitations. Thus, labour approach; reach to strategies of collective action and bargaining, protective employment legislation, contextual standard setting, in its attempts to regulate the unequal power relations in labour sectors susceptible to trafficking whereas human rights approach only concern with the power of the individual relative to the state. It is about claiming the rights from the state for its citizens. Labour rights have tended to be more collective to be more collective oriented, stressing on the power of a group of labours in relation to the employers, capital.

The labour approach also contributes into the transformation of changing the power relationship through laws: background rules of private law, immigration regime, relevant policies, criminal law, and certain welfare policies to the extent that these elements of the legal order which affect the bargaining power of the labour parties. The other point of difference between the two approaches is the conceptualisation of the exploitation in the context of trafficking. The human rights approach sees the trafficking as an exceptional crime whereas the labour approach see it as the instance of severe exploitation that shares characteristics with other forms of worker commodification, which is, typical of all employment contracts.

From a sociological point of view, the difference between these two concepts contributed into significant achievements of its goals: mostly in the form of unions, emphasized class struggles, solidarity, socioeconomic concerns, collective bargaining and contextualised bargaining as the main avenue to contextualize the bargaining power to improve the working conditions for labour and for increasing workers' share of profit. The human rights movement, in contrast, has focused on identity-based struggles, civil and political rights, absolute universal values, and entrenching human rights in national constitutions and legislation.

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