

BRIDE TRAFFICKING IN INDIA: ASPECTS, CAUSES AND POTENTIAL SOLUTIONS*

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Bride Trafficking is a long-standing evil in society that can be classified as a crime against humanity because it violates the rights, dignity and the liberty of the victims involved. Bride Trafficking is so deep rooted in society that providing accurate figures is extremely difficult since it is often impossible to track down and trace individual incidents of Bride Trafficking. According to the author, who has conducted a case study with fifty women from the State of Haryana, inter-country trafficking for the purpose of marriage is widespread in India. Trafficked women are subjected to a slew of atrocities, including being raped in transit and then raped by their husbands and other male family members. Apart from that, they face domestic violence, are treated worse than slaves and are frequently trafficked multiple times. Poverty, female foeticide, female infanticide, illiteracy, dowry and other factors can all contribute to trafficking. In this paper, the author will discuss Bride Trafficking in general, the reasons for it, the human rights violations that these trafficked brides face and the potential solutions to this illicit trade.

Keywords: Bride Trafficking; human trafficking; female foeticide; trafficking for marriage; slavery.

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Table of Contents

Introduction

1. Human Trafficking *Vis-a-Vis* Bride Trafficking:

Meaning and Conceptual Understanding

1.1. Definition of Bride Trafficking

1.2. Research Methodology

2. Push and Pull Factors and Root Causes of Bride Trafficking

2.1. Human Rights Violations Faced by Trafficked Brides

2.2. Legal Regime Related to Combatting Bride Trafficking

3. Suggestions for Curbing the Menace of Bride Trafficking

Conclusion

Introduction

According to the Trafficking in Persons Report of July 2019, which is issued by the State Department of the United States on an annual basis, India has been placed under the Tier-2 category in the list of countries. This implies that India is making attempts to curb human trafficking through legislative and constitutional means, but despite these efforts is unable to control it. Trafficking for the purpose of marriage is a very common phenomenon all over the world, particularly in China. For instance, women from Vietnam and Cambodia are trafficked to China; similarly, women from Cambodia, Vietnam, Nepal and Uzbekistan are trafficked to South Korea; and for the same purpose women from Nepal and Bangladesh are trafficked to India. Thus, inter-country trafficking of women for the purpose of marriage is a well-known and wide-spread phenomenon in many countries. In this research paper, the researcher will discuss the trafficking of women for marriage from other regional States to the State of Haryana which is located in northern India.

The traffickers and middle men use a variety of methods to lure women and force them into Bride Trafficking. A few traffickers make direct contact with family members and entice victims by promising a good job and a happy married life.¹ Occasionally, middlemen bring marriage proposals to impoverished families and traffic the brides directly to Haryana. Because of the involvement of her family, the trafficked brides are constantly under pressure throughout the entire process, and the chances of her fleeing this exploitative forced marriage decrease.²

¹ Priyali Sur, *Silent Slaves: Stories of Human Trafficking in India*, Women's Media Center, 30 December 2013 (Jul. 5, 2021), available at <http://www.womensmediacenter.com/women-under-siege/silent-slaves-stories-of-human-trafficking-in-india>.

² Drishti Stree Adhyayan Prabodhan Kendra, Report on Impact of Sex Ratio on the Pattern of Marriages in Haryana (November 2010), at 51.

Forged marriages³ are also common in India, which later serve as a breeding ground for the trafficking of women. Women are enticed into trafficking by the prospect of marrying a wealthy person. Other *modus operandi* involves love affairs in which the victim falls in love with someone who later traffics her and sells her to some other person for money.⁴

Trafficked brides are subject to a wide range of human rights violations, including kidnapping, abduction, sexual slavery, rape, grievous harm, and re-trafficking, forced prostitution and so on.

In the past, a trend has been observed in India involving Bride Trafficking in which the trafficker keeps contacting the trafficked bride for the purpose of re-trafficking. The trafficker observes the victim's life, and if she is subject to violence and abuse, provokes her to leave the family and marry someone else. Traffickers lure the victim by saying that the next husband and his family will be good, and that they are sorry for marrying the victim in such a house, because of which many of these victims have been sold five to eight times.

Human rights violations and the fight of trafficking victims against such violations are only one side of the coin. On the other hand, a few brides are quite happy in Haryana and are living in better conditions than they did before marriage. For those trafficked brides, it is simply a marriage that could have occurred in their home State or elsewhere, and it is considered one and the same. It takes a lot of effort to determine whether the case presented is a case of inter-regional marriage or a case of Bride Trafficking. Inter-regional marriages are legal, whereas human trafficking is a serious crime under the Indian Penal Code. In some cases, the husband travels with the trafficker to poverty-stricken areas for the marriage. In the majority of such cases, the trafficker acts as a matchmaker, and the women who are married in Haryana face no discrimination, no exploitation and no re-trafficking. It would be difficult to label allegations against such marriages since they resemble customarily arranged marriages. The scenario described above blurs the distinction between trafficked brides and normal inter-regional brides, making Bride Trafficking as a whole virtually unstoppable.

Most of these victims remain silent in their own or in their children's best interest. These women choose to live in poverty without making any demands.⁵ Victims of human trafficking are so afraid of being beaten and tortured that they keep changing their statements in front of the authorities even after being rescued.⁶ The constant

³ Ministry of External Affairs, Government of India, *Marriages to Overseas Indians: A Guidance Booklet* (April 2019) (Jul. 5, 2021), available at <https://www.mea.gov.in/images/pdf/marriages-to-overseas-indians-booklet.pdf>.

⁴ Paloma Sharma, *A Marriage of Inconvenience*, Justice for Women (Jul. 5, 2021), available at <https://justiceforwomenindia.wordpress.com/tag/trafficking-statistics-in-india/>.

⁵ Navjyoti, *A Vice of 21st Century: Bride Buying*, 1(1) Int'l J. Mgmt. Soc. Sci. Res. Rev. 242 (2016).

⁶ HAQ: Centre for Child Rights & Campaign Against Child Trafficking (CACT), *Child Trafficking in India* (June 2016) (Jul. 5, 2021), available at <http://haqcrc.org/wp-content/uploads/2016/06/child-trafficking-in-india-report.pdf>.

change in statements made by the victims of Bride Trafficking makes the process of rescue and rehabilitation unsafe for those who try to rescue them.⁷

1. Human Trafficking *Vis-a-Vis* Bride Trafficking: Meaning and Conceptual Understanding

To understand Bride Trafficking, one requires a good understanding of human trafficking as well. People have different narratives regarding Bride Trafficking. Some regard it as a valid form of marriage with a win-win situation for both the bride and the groom; others see these marriages as slavery and human trafficking. Women are trafficked for forced marriages both internationally and nationally. In the case of *Amita Ahluwalia v. Union of India & Others*,⁸ the Honourable Delhi High Court directed the government to consider policies to curb or make difficult the trafficking of any woman on the pretext of marriage, particularly when she is marrying a citizen of another country. A similar observation was made in another case in which a girl was trafficked to Saudi Arabia for the purpose of marriage. In one such case, the *State of Assam v. Binarabha & Others*,⁹ the court sentenced the traffickers to rigorous imprisonment of three years and six months for the proven charge of Bride Trafficking.

According to Section 370 of the Indian Penal Code, human trafficking is defined as transporting, harbouring, transferring or receiving any person without his consent from one location to another for the purpose of exploitation. According to the Code, the involuntary movement has three main criteria to qualify as trafficking. First, there is an act of transporting, harbouring, transferring or receiving, second, consent is obtained through fraud, misrepresentation or coercion and third, all of this happens for the purpose of exploitation.

1.1. Definition of Bride Trafficking

A researcher defines Bride Trafficking as trafficking for the purpose of marriage or under the pretext of marriage, in which a trafficker traffics a woman or child before or after marriage with intent of exploitation. Exploitation includes forced prostitution, polyandry, and rape before or after marriage, re-trafficking, abandonment or other exploitative forced conditions of life such as slavery or servitude.¹⁰

⁷ Anjali Radkar, *Bride Buying: Response to Bride Shortage in Rural Haryana*, LVI(2) Artha Vijnana 169 (2014).

⁸ 1992 CriLJ 1906.

⁹ *State of Assam v. Binarabha & Others* (2016) (Jul. 5, 2021), available at <http://udalgorijudiciary.gov.in/Judgements/cj/2016/April/Sessions%2015-15.pdf>.

¹⁰ Niteesh Kumar Upadhyay, *Study of Bride Trafficking in India with Special Reference to the State of Haryana*, 7 NIU Int'l J. Hum. Rts. 292 (2020).

1.2. Research Methodology

The current research is based on both doctrinal and empirical sources. The researcher has reviewed various newspaper articles and data provided by NGO Empower People, Drishti Stree Adhyayan Prabodhan Kendra and Shakti Vahni, as well as a law review article on Bride Trafficking.

After interviewing fifty Bride Trafficking victims, the researcher did a minor case study on the subject. Research on Bride Trafficking includes various issues such as no access to the trafficked victims, language barriers, confidence building for communication with the victim and her family and the effects and after-effects of the answers given by the trafficked victims during and after the interview. The researcher enlisted the assistance of various non-governmental organizations (NGO's), local people and female colleagues to complete these interviews. A sample size of fifty Bride Trafficking victims was drawn from different districts of Haryana and convenience sampling was used to select the sample.

2. Push and Pull Factors and Root Causes of Bride Trafficking

In order to research Bride Trafficking, one should first try to find out the reasons behind it, otherwise one will never be able to comprehend this complex social evil that has gained societal acceptance. People who engage in this practice feel no guilt or remorse because they believe it is a win-win situation for both the buyer and the seller. Therefore, to understand the reasons behind Bride Trafficking, one needs to explore and evaluate all of the social, political, religious, economic and legal factors surrounding this crime.

Bride Trafficking in India is a major social crisis entrenched in patriarchal traditions and male superiority. Women are treated like commodities in patriarchal society and as a result, they are often sold and purchased like cattle.¹¹ The acceptance of trafficked brides by society is so high that when a bride runs away from her matrimonial home, the entire village searches for her, and when she is eventually found and caught she is returned to the family.¹²

Previously, the traffickers used to be truck or taxi drivers because they travelled from place to place and knowing the details of girls was not a difficult task for them.

¹¹ Anonymous, *Trafficked Assam Woman Rescued*, Telegraph India, 12 July 2016 (Jul. 5, 2021), available at <https://www.telegraphindia.com/states/north-east/trafficked-assam-woman-rescued/cid/1415201>.

¹² Shikha Kumari Pahadin, *Trafficked and Sold from One Man to Another, Minor Finally Returns Home*, Video Volunteers, 16 February 2018 (Jul. 5, 2021), available at <https://www.videovolunteers.org/trafficked-and-sold-from-one-man-to-another-minor-finally-returns-home/>; see also Ashok Kumar, *Trafficked Women rescued from Haryana Village*, The Hindu, 28 July 2016 (Jul. 5, 2021), available at <https://www.thehindu.com/news/national/other-states/Trafficked-women-rescued-from-Haryana-villages/article14512330>. ece, and Adrija Bose, *It Is So Common For Haryana's Men To Buy And Sell Wives That No One Cares Anymore*, News18, 26 July 2018 (Jul. 5, 2021), available at <https://www.news18.com/news/india/its-so-common-for-haryanas-men-to-buy-and-sell-wives-that-no-one-cares-anymore-1824341.html>.

However, many existing buyers are now selling brides to other people with the help of their purchased wives¹³ Villagers have taken this on as a full and part-time business because of the money involved in it. Sometimes, the purchased wives, accompanied by their husbands and relatives, visit their native villages and buy other girls from their own native land to be sold and trafficked as brides.¹⁴

These trafficked brides are sold and resold numerous times, making this illegal trade a lucrative business with no risk of significant loss.¹⁵ Buyers may need women to bear a child or take care of ailing or elderly parents, in which case, these trafficked brides become the perfect option for them. The trafficked brides do anything they are asked to do because they are afraid of being disowned, killed or physically assaulted. These trafficked brides are less demanding in comparison to the local girls of Haryana, making them a good deal for traffickers and middle men.¹⁶

Many factors influence trafficked victims' refusal to report the atrocities they witness. The most important of these is that the husband's family is always nearby when she talks to the people from non-profit organizations or the media, and as a result of this, most of the time, the true picture of their problem never comes out because the victim's answer is always a manipulated one in the family's presence. This factor also contributes to a situation in which preventing Bride Trafficking becomes extremely difficult.

Bride Trafficking is essentially a form of forced slavery for women.¹⁷ According to the renowned jurist Andrea Dworkin:

The Genesis of any slave system is found in the dynamics, which isolate slaves from each other, obscure the reality of a common condition and make united rebellion against the oppressor inconceivable.¹⁸

The quest for cheap labour is also another important factor which promotes Bride Trafficking in Haryana. Haryana ranks third among Indian States in terms of per capita

¹³ Devesh K. Pandey, *Raped, Then Sold off as a Bride in a Distant Land*, *The Hindu*, 19 September 2013 (Jul. 5, 2021), available at <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/raped-then-sold-off-as-a-bride-in-a-distant-land/article5144031.ece>.

¹⁴ Deebashree Mohanty, *Slave Brides*, *Daily Pioneer*, 25 January 2015 (Jul. 5, 2021), available at <https://www.dailypioneer.com/2015/sunday-edition/slave-brides.html>.

¹⁵ *Id.*

¹⁶ Bose, *supra* note 12; see also Paro conclave by Empower People (Jul. 5, 2021), available at http://www.empowerpeople.org.in/uploads/3/7/2/4/3724202/paro_conclave_report.pdf.

¹⁷ Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Jul. 5, 2021), available at <https://www.ohchr.org/EN/ProfessionalInterest/Pages/SupplementaryConventionAbolitionOfSlavery.aspx>.

¹⁸ Andrea Dworkin, *Woman Hating* 68 (1974); see also *African American History and Radical Historiography: Essays in Honor of Herbert Aptheker* (Herbert Shapiro ed., 1998) (Jul. 5, 2021), also available at <https://conservancy.umn.edu/bitstream/handle/11299/149108/ApthekerFestschrift.pdf?sequence=1&isAllowed=y>.

income and is also a growing industrial hub. Nevertheless, a large part of its female population is still involved in work related to agriculture. Around 64.77 percent of women work in the fields (43.67% are cultivators and 21.1% are agricultural labourers).¹⁹ There is a high demand for women to work in the fields, which necessitates the use of Bride Trafficking victims because the male to female sex ratio is low and elderly women are unable to work hard.²⁰

These figures clearly show the role of women in the agricultural field, as well as a societal trend in which women have become more productive than men. However, there are no statistics available, which can tell us how many of these women are local residents and how many are trafficked brides. Because the exact number of these women is unknown, researchers are unable to assess how many trafficked brides are present, in which specific districts of Haryana they are located and what their activities are.

When these women are purchased, they are forced to work in the fields, as well as in households at all hours of the day and night. These women are young and can work for long hours in the fields and some of them are even abandoned by their so-called husbands as they grow older because their productivity decreases as they age, particularly in the fields. The need for cheap labour has created an economy based on trafficked women, and thus, an increasing number of agencies and individuals have become involved in Bride Trafficking for the purpose of acquiring labour.²¹ Women in these kinds of marriages are treated like forced labourers or bonded labourers.²²

An economy of cheap labour increases the demand for trafficked brides.²³ The search for cheap labour has increased the number of women and girls trafficked from Bihar, Bengal, Odisha, Chhattisgarh and other poverty-stricken areas and states of the country. The most tragic aspect is the plight of these young girls, who are often under the age of eighteen and thus more vulnerable to trafficking. Haryana has several placement agencies which are involved in this illicit trafficking of women and girls from other States to Haryana.²⁴ To put a stop to this trend, States must keep

¹⁹ D.S. Bhupal, *Agricultural Profile of Haryana*, Agricultural Economics Research Centre, University of Delhi (November 2012) (Jul. 5, 2021), available at http://www.cheapmessglaten.com/du/uploads/Academics/centres_institutes/Agricultural_Eco/15.2012-Agricultural%20Profile%20of%20Haryana%20by%20DSB.pdf.

²⁰ Neerja Ahlawat, *Missing Brides in Rural Haryana: A Study of Adverse Sex Ratio, Poverty and Addiction*, 39(1) Soc. Change 46 (2009).

²¹ Aditya Parihar et al., *Crime Against Women in Haryana: An Analysis*, 4(11) Int'l J. Hum. & Soc. Sci. Invent. 16 (2015).

²² Shruti Chaudhry, *Lived Experiences of Marriage: Regional and Cross-Regional Brides in Rural North India*, PhD Sociology, University of Edinburgh (2016) (Jul. 5, 2021), available at <https://www.era.lib.ed.ac.uk/bitstream/handle/1842/22934/Chaudhry2016.pdf?sequence=1&isAllowed=y>.

²³ Sonali Mukherjee, *Field Skewed Sex Ratio and Migrant Brides in Haryana: Reflections from the Field*, 43(1) Soc. Change 37 (2013).

²⁴ Shri S. Saratkumar Sharma, *Child Trafficking in the Indo-Myanmar Region: A Case Study in Manipur*, Research Report, Ref. No. 54/1/2016/MCPCR, 12 February 2016 (Jul. 5, 2021), available at http://www.wcd.nic.in/sites/default/files/RESEARCH%20PROJECT%20REPORT_0.pdf.

a close watch on such placement agencies and apprehend the traffickers whenever they trade human beings.

The distribution of land and property ownership also plays an affirmative role in the number of trafficked brides to the State of Haryana. In the State of Haryana, the size of the land remains the same, but the number of claimants increases generation after generation. The situation is further worsened by a lack of work and education opportunities for men, resulting in a low level of acceptance of marriage proposals by women in their own community in light of their having such a poor status.²⁵ The system of trafficked brides living in polyandry promotes the balance of land ownership for future generations. This practice promotes a single bride to be available for numerous brothers for sexual intercourse, resulting in the delivery of fewer children in comparison to the number of offspring delivered if all the brothers married different girls. In this way, polyandry reduces the number of offspring in any family and keeps a check on the division of property into smaller fragments. Many small property owners are left with very small landholdings and do not want to further divide what they own, which increases demand for trafficked brides because no local family will give their daughters away for polyandry marriage.²⁶

Dowry practice is the most important factor that affects both buyers and trafficked brides. The Dowry Prohibition Act was passed decades ago and failed miserably to impact the acceptance of dowry in our society.²⁷ One of the leading social evils of India is the 'dowry system', in which the bride's family pays an excessive sum of money and gifts to the groom or his family at the time of the wedding ceremony. In some of the cases, the bride's father spends his entire life savings on the marriage of his daughter.²⁸ The dowry system has had numerous harmful effects in India; no region, whether rural or urban, has been spared from this problem. This problem is so alarming that approximately 8,455 dowry death cases were registered in the year 2014 and 7,634 in the year 2015.²⁹ When we look at the number of cases, we can see that despite a slight decrease in the number of cases, the practice rate remains very high. In 2014, approximately 10,050 cases were registered under the Dowry Prohibition Act, with 9,894 cases being registered in 2015.³⁰ These figures clearly

²⁵ Anonymous, *Paro: An Abusive Word*, Shafiq Ur Rahman Khan, 21 May 2008 (Jul. 5, 2021), available at <https://bringtoanend.blogspot.com/2008/05/paro-abusive-word-1.html>.

²⁶ Interview with the late Dr. Krishna Pal Malik on Topics Related to Bride Trafficking in Haryana, 13 March 2013.

²⁷ Geetika Dang et al., *Why Have Dowry Deaths Risen in India?*, ASARC Working Paper 2018/03 (2018) (Jul. 5, 2021), available at <https://crawford.anu.edu.au/acde/asarc/pdf/papers/2018/WP2018-03.pdf>.

²⁸ Bhagwat, *Dowry* (Jul. 5, 2021), available at <http://www.pushti-marg.net/bhagwat/dowry.htm>.

²⁹ National Crime Records Bureau, *Crime in India – 2017*, Compendium (Jul. 5, 2021), available at <http://ncrb.gov.in/StatPublications/CII/CII2017/pdfs/CII2017-Full.pdf>.

³⁰ *Id.*

reflect that the social evil of dowry is very prevalent in our society, forcing parents to discriminate between girls and boys.

Dowry harassment, dowry demand, dowry death and other dowry-related issues are the major causes for female foeticide in India. Many families in India are worried about the exorbitant amount of dowry they have to give to the groom's family at the time of their daughter's marriage and, as a result, start saving money for their daughter's wedding as soon as she is born. The instances of dowry-related harassment and cruelty remain very high, and the same can be witnessed from NCRB data which reveals that in 2014, there were 1,22,877 cases registered against husbands and their close family members for cruelty and around 1,13,403 cases registered in 2015.³¹ There is a direct relationship between the willingness to deliver a daughter and these crimes, which reflects not only family attitudes towards girls but society's mindset towards girls. Due to the high demand for dowry, families from poverty stricken areas have been forced to look for grooms outside their State who do not require any dowry. This vulnerability is being exploited by the traffickers for their advantage to bring more women to the State of Haryana. Many families of trafficked brides are assured by traffickers that their daughters will be treated like princesses and will live a happy life after their marriage.³²

Poverty at both the source side and the destination side also impacts the supply and demand of trafficked brides. Drishti Stree Adhyayan Prabodhan Kendra, a non-governmental organization (NGO) working in the field of trafficking, took a sample of 318 women trafficked from other States to Haryana. Approximately 192 women out of 318 lived in poverty before being sold for marriage in Haryana. This comes to around 65.1 percent, indicating that mostly poverty-stricken women are trafficked. The findings clearly show that poverty is one of the main reasons for Bride Trafficking.³³

Poverty and other economic factors lead to the promotion of evils such as Bride Trafficking. Poverty of a trafficker and the trafficking victim, the victim's parents or any other related person seems to have a negative impact on the protection of women from trafficking. Poverty is a prominent factor but not the only factor that leads to Bride Trafficking, as there are also various other factors that help this illegal business thrive and grow. Nevertheless, poverty remains the most important factor that promotes Bride Trafficking. If poverty is on the supply side, a greater number of women will be sold by their parents or other people who have control over them. If poverty is on the demand side, that is, if purchasers are unable to enter into traditional marriages because of the large sums of money involved, trafficking will increase. Many

³¹ Crime in India – 2017, *supra* note 29.

³² Nairruti Jani & Thomas P. Felke, *Gender Bias and Sex-Trafficking in Indian Society*, 60(4) Int'l Soc. Work 831 (2017).

³³ Human Trafficking Caters to Demand for Brides, Mint, 5 September 2014 (Jul. 5, 2021), available at <http://www.livemint.com/Politics/7cSn08nD9gvlEAbZcQrP71/Human-trafficking-caters-to-demand-for-brides.html>.

people, who are involved in agriculture and other activities such as truck driving etc., have begun importing girls from other States who are in need of money.

In many parts of India, the economic opportunities for girls are limited because of which families see no value in educating them and instead, marry them off young to serve as a wife and mother. These brides, who are already isolated from economic opportunities, will never be able to escape such situations of abuse, polyandry and so forth.³⁴

After reviewing the above-mentioned fifty case studies, researchers can conclude that poverty is the primary reason why people sell their daughters. Around 70 percent of them come under the poverty line. Poverty is one of the main reasons for the sale and purchase of brides in Haryana. In some cases, we find that even girls from well-off families are lured on the pretext of marriage or a job and are sold in Haryana as brides. Figure 1 below illustrates that most trafficked brides lived at or below the poverty level at the time prior to trafficking.

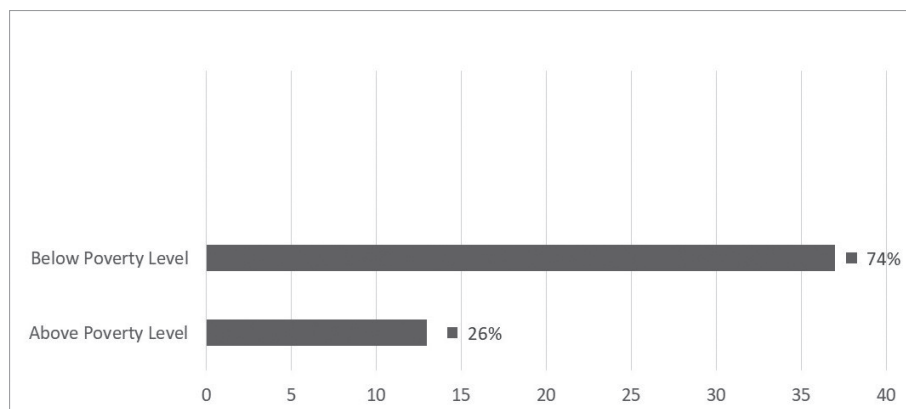


Fig. 1. Financial status of trafficked brides before trafficking

Source: author's case study

Female foeticide reduces the number of marriageable girls and increases the number of trafficked brides. With advancements in science and technology, as well as the ease of access to prenatal diagnostic techniques, the rate of female foeticide is increasing. In one of the studies conducted by Drishti Stree Adhyayan Prabodhan Kendra, a non-governmental organization (NGO), on female foeticide and the number

³⁴ Smita Sharma, *What Is the Impact of Child Marriage?*, Girls Not Brides (Jul. 5, 2021), available at <http://www.girlsnotbrides.org/themes/poverty/>; see also Stuart Shield, *Poverty and Trafficking in Human Beings: A Strategy for Combating Trafficking in Human Beings Through Swedish International Development Cooperation* (2003) (Jul. 5, 2021), available at <http://www.government.se/contentassets/326c82b44c784d67860d51420086cbe9/poverty-and-trafficking-in-human-beings>.

of clinics with ultrasound facilities, the NGO concluded that areas with a higher number of ultrasound clinics have a lower girl child sex ratio.³⁵ The Prenatal Diagnostics Techniques Act punishes perpetrators of prenatal diagnosis with up to three years of imprisonment and a fine of up to 50,000 rupees, but the number of female foeticide cases continues to rise. There are also restrictions and punishments for doctors who are involved in it.³⁶ The State Medical Council has the authority to suspend or cancel the registration of medical practitioners involved in female foeticides.

The grave problems of female foeticide and extreme poverty have been identified to be the root causes leading to Bride Trafficking in the States like Haryana. The geographical, social and political landscapes of Haryana make it an ideal destination for trafficked brides.³⁷ Female foeticide is common in northern India including, the State of Haryana, where the society is predominantly controlled and governed by men (patriarchy).³⁸

There are social, financial and religious causes for the bias against females in India. Children are relied upon to work in the fields, earn more money and care for their guardians and parents in their old age and illness. The man-centric mentality also assumes that the boy will carry on the name of his father and his family, rather than the girl. Furthermore, religious traditions and convictions contribute to such discriminations and increase the demand for male children in general society. One such custom can be seen among Hindus, where the lighting of the funeral fire by a male child is viewed as essential for the salvation of the soul during one of the Hindu's most important ceremonies. As per Manu, a Hindu deity, a man cannot achieve *moksha* (salvation) unless he has a male child to light his funeral pyre. In maturity, the children will watch over them acceptably.³⁹

There are numerous factors that influence female foeticides. For example, the Indian population was increasing at an alarming rate a few decades ago, until the new population control policy of two children per family was implemented. This policy was widely publicized among citizens through various forms of mass media including television, newspapers and radio.⁴⁰ The impact was positive and some families accepted this policy, but the desire to have a perfect family with at least one male child resulted in female foeticide. Many health workers have confirmed this

³⁵ Sharma, *supra* note 34.

³⁶ *Id.*

³⁷ Chaudhry, *supra* note 22.

³⁸ Nehaluddin Ahmad, *Female Foeticide in India*, 26(1) Issues L. & Med. 13 (2010).

³⁹ Samsunnessa Khatun & Aznarul Islam, 'Death Before Birth'—A Study on Female Foeticide in India, ResearchGate (January 2011) (Jul. 5, 2021), available at https://www.researchgate.net/profile/Aznarul_Islam/publication/215590009_%27Death_Before_Birth%27_-_A_Study_on_Female_Foeticide_in_India/links/09e4150b8dba5859c5000000/Death-Before-Birth-A-Study-on-Female-Foeticide-in-India.pdf.

⁴⁰ *Id.*

argument, stating that people want a small family, but one male child is considered necessary, which eventually leads to female foeticide, especially if the family already has a female child.⁴¹

Moreover, the progression of science and innovation has posed a challenge prior to the implementation of the law. Progression in innovation identified with pre-birth demonstrative strategies is conveniently accessible at the nearby centres. According to estimates, there are 25,770 authoritatively registered pre-birth units in India. The availability of abortion-related medicines, both online and offline, is increasing female foeticide.⁴² Female foeticide disrupts the gender ratio of society, which leads to the buying of brides and other evils such as polyandry.⁴³

According to the Indian Census 2011 report, the number of females per 1,000 males is as follows: The average sex ratio in India is 933 females per 1,000 males, whereas the rural sex ratio is 946 females per 1,000 males, the urban sex ratio is 900 females per 1,000 males and the State of Haryana has a sex ratio of 861 women per 1,000 males.⁴⁴

Poverty and a skewed sex ratio, which is inextricably tied to the social malaise known as female foeticide, stand out as the push-and-pull factors for Bride Trafficking. When poverty stands out as the push factor, a skewed sex ratio and a lesser availability of girls for marriage are the main pull factors for Bride Trafficking.

Female foeticide has led to a situation in Haryana where there is a high demand for marriageable girls; as a result of which many organized trafficking rackets have begun to operate in both the source and destination States. Bride Trafficking and the lower availability of girls can thus be described as a demand and supply relationship, proving that to put a check on Bride Trafficking, the first and foremost requirement is to put a strict end to female foeticide. Although it may take centuries to put an end to Bride Trafficking in this manner, it is the only relevant way to do so.

Due to their economic and social conditions, victims of human trafficking are vulnerable and fear atrocities committed by their so-called husbands or their families. Many women are murdered because they refuse to submit to the atrocities they face. One such incident is that of Fripla (name changed), a trafficked bride who was sold by her father for 17,000 rupees to a man named Ajmer Singh. Fripla stayed with Ajmer Singh for nearly six months without any formal marriage. After some time,

⁴¹ Emandi Rangarao, *Felony of Female Foeticide – Role of Judiciary in Implementation of PCPNDT Act in India*, 2(5) Int'l J.L. 31 (2016).

⁴² Sangeeta Agarwal, *Abortion with Tablets* (Jul. 5, 2021), available at <http://gynecdoctor.com/health-issues/unwanted-pregnancy/abortion-less-than-7-weeks/>.

⁴³ Pamela Singla, *"We Want Daughters-in-Law, Not Daughters": Forced Marriages in Jhajjar District of Haryana, India*, SSRN Papers (2015) (Jul. 5, 2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2987640.

⁴⁴ Riddhima Sharma, *Sex, Lies, and a Receipt: Bride Trafficking Lifts Its Head From Under the Veil*, TheAlternative, 20 August 2014 (Jul. 5, 2021), available at <https://www.thealternative.in/society/sex-lies-and-a-receipt-bride-trafficking-lifts-its-head-from-under-the-veil/>.

her husband asked her to cohabit with his brother who was unable to find a wife locally in Haryana. Fripla refused to follow Ajmer Singh's command, so Ajmer Singh took her into the fields and beheaded her with a sickle.⁴⁵

Many of these women believe that there is no support system for them, and that even the police and judicial system will not help them. In some cases, women go to the police to complain about the trafficking, but the police refuse to support them, saying that it is a family matter that happens in all the families. Some of the victims who tried to escape from their husbands and their families and reached a police station were returned to the same family by the police officers.⁴⁶ This kind of behaviour from police officers has resulted in a very low conviction rate. In several instances, even if traffickers are apprehended, the entire effort to curb such crimes is futile due to a low conviction rate. The arrested trafficker stays in prison for two to three months, easily obtains bail and moves around freely, whereas the trafficking victim does not pursue the case or never testifies because of the fear of violence which she may have to face from her tormentor again. Because of the acceptance of Bride Trafficking by the society in Haryana, even the police personnel, at times, do not feel that the trafficker has committed a crime. Local police do not perceive trafficking for the purpose of marriage as a crime and hence never conduct a proper investigation.⁴⁷

According to Nobel laureate Kailash Satyarthi, who has worked for the upliftment of trafficked children and girls says, "Bride Trafficking is a different network to burst because seldom do police receive complaints about trafficked brides and even if they do receive complaints, these trafficking victims have no courage to come out and talk about the human rights violation they have faced." Kailash Satyarthi compared marital rape with Bride Trafficking and stated that both of these evils are on the rise in society, and they need to be addressed.⁴⁸

Trafficked brides sometimes exhibit hostile behaviour towards their sympathizers. The majority of these trafficked victims are uneducated and they do not know the language of the court, which further hinders the process, and their own statements are sometimes used against them by the defence lawyers, weakening the case. The lawyers also ask them uncomfortable questions, which instils fear in the minds of these women. Moreover, many cases are still pending in the courts, and the general tendency of people is to run away from litigation. People known to the victim tell her that her case could last for ten to fifteen years and this factor influences the decision making of the trafficked brides to pursue or not pursue the case. Corruption

⁴⁵ Sonali Das, *Unwilling 'Draupadi' Pays with Her Life*, The Times of India, 7 March 2006 (Jul. 5, 2021), available at <https://timesofindia.indiatimes.com/india/unwilling-draupadi-pays-with-her-life/articleshow/1440556.cms>.

⁴⁶ Mukherjee 2013.

⁴⁷ *State of Assam v. Binarabha & Others*, *supra* note 9.

⁴⁸ Bose, *supra* note 12.

and other unethical practices are almost always an issue in almost all types of cases, including trafficking cases involving these purchased brides.⁴⁹ In addition, some of these trafficked victims fear that the traffickers may hurt them.⁵⁰ If we were to gauge their feelings, perhaps we would realize that victims of Bride Trafficking have little hope from the legal system and police.⁵¹

The United States Department of State has also given a few proposals to India in order to increase the number of indictments and convictions, which include recommendations such as setting up fully resourced Anti-Human Trafficking Units at every local level, providing extra staff to the current Anti-Human Trafficking Units, stopping the punishment of trafficking victims, including travel restrictions, increasing investigations and arrangements of authorities purportedly complicit in trafficking and convicting those found liable.⁵² The report also requested countries to provide funding to set up fast-track courts which can deal with the different forms of human trafficking.⁵³

2.1. Human Rights Violations Faced by Trafficked Brides

The human rights of trafficked brides in Haryana are grossly violated both pre and post trafficking. Many of these brides who have been trafficked are killed, sexually abused, re-trafficked or put into forced labour. Discrimination by the family and members of society, as well as domestic violence, are all common problems which these trafficked brides have to face on a daily basis. According to one of the research studies done by the non-governmental organization, Drishti Stree Adhyayan Prabodhan Kendra, out of the 315 trafficked brides, 105 trafficked brides reported experiencing domestic violence and six brides were forced to sleep with multiple partners.⁵⁴

Domestic violence against trafficked brides is nothing new, but in some instances, its gravity and frequency are high. Most of these women have nowhere to go because their families will not accept them if they leave their so-called husbands. They have no source of earning a livelihood, plus they have children who are dependent on them.

The brides' helplessness and lack of support from their native families make them more vulnerable to domestic violence and other forms of sexual abuses. Most of

⁴⁹ U.S. Department of State, *Trafficking in Persons 2016 Report: Country Narratives* (Jul. 5, 2021), available at <https://www.state.gov/j/tip/rls/tiprpt/countries/2016/258784.htm>.

⁵⁰ Anuradha Nagaraj, *Indian Courts Speed up Justice for Human Trafficking Survivors*, Reuters, 26 July 2018 (Jul. 5, 2021), available at <https://in.reuters.com/article/india-trafficking/indian-courts-speed-up-justice-for-human-trafficking-survivors-idINKBN1KG1YN>.

⁵¹ U.S. Department of State, *Trafficking in Persons Report* (June 2019) (Jul. 5, 2021), available at <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>.

⁵² *Id.*

⁵³ *Id.*

⁵⁴ Drishti Stree Adhyayan Prabodhan Kendra, *supra* note 2.

these women have also gone through a series of beatings and rapes before they are sold in Haryana, because of which they do not raise their voices when their husbands abuse them. This was also corroborated by one Bride Trafficking victim.⁵⁵

Rape is used by the traffickers as a means to exert authority and power over the trafficked brides because it carries a social stigma which puts pressure on the trafficking victims to be in control and prevents the victims from speaking out against the ill-treatment faced by them.⁵⁶ Rape ruins the chastity of a woman and brings dishonour to the family. As a result, a rape victim is generally barred from social and married life. An unmarried girl who has been raped is not regarded suitable for marriage as she is considered to have lost her virginity. Similarly, if a married woman is raped, she is divorced or rendered homeless by her husband as she has lost her chastity and honour, as well as brought shame and disrepute to the family.⁵⁷

Lust, greed and desire for sex are not the only reasons for rape in society. Other factors, such as the exercise of authority, lead men to use physical and other forms of violence to oppress women.⁵⁸ In India, name-shaming of perpetrators is never done, but because of the patriarchal mindset, name shaming of rape victims is unavoidable. A girl or a woman, after being raped, first thinks about the reputation of her family, which is why a number of rape cases in India go unreported. In a few cases, women are not even allowed to file a case for fear of causing harm to their reputation.⁵⁹

During field work and doctrinal study, it was discovered that raping trafficked brides increases the trafficker's control on the trafficked brides.⁶⁰ After a woman is raped, she begins to worry about her reputation and whether or not her family will accept her after the incident. There are numerous psychological traps that place the trafficked victim under the trafficker's control.⁶¹ Once these women are raped, they make little to no fuss about it and show no resistance when they are sold as brides or domestic workers. As a result, raping trafficked victims not only gives pleasure to the traffickers, but also gives them greater control over the trafficked victim. These women, after being raped and sold, show very little resistance to working or sharing a bed with multiple brothers.

⁵⁵ Mohanty, *supra* note 14.

⁵⁶ Conference on Prenatal Sex Selection in India (Jul. 5, 2021), available at <http://www.nhrc.nic.in/disparhive.asp?fno=2129>.

⁵⁷ Usha Tandon & Sidharth Luthra, *Rape: Violation of the Chastity or Dignity of Woman? A Feminist Critique of Indian Law* (2016) (Jul. 5, 2021), available at <http://www.toaep.org/pbs-pdf/51-tandon-luthra>.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ Carl Gierstorfer, *While India's Girls Are Aborted, Brides Are Wanted*, CNN, 3 September 2014 (Jul. 5, 2021), available at <http://edition.cnn.com/2014/09/03/world/asia/india-freedom-project/index.html>.

⁶¹ *Id.*

When victims of Bride Trafficking are raped by traffickers or other people, they lose confidence in their ability to function in mainstream society in the future. They completely give up on themselves and do not resist anything that comes their way, even if sold multiple times. Out of the fifty trafficked brides interviewed, nineteen of the victims were raped before or after being sold as trafficked brides (see Figure 2 below).

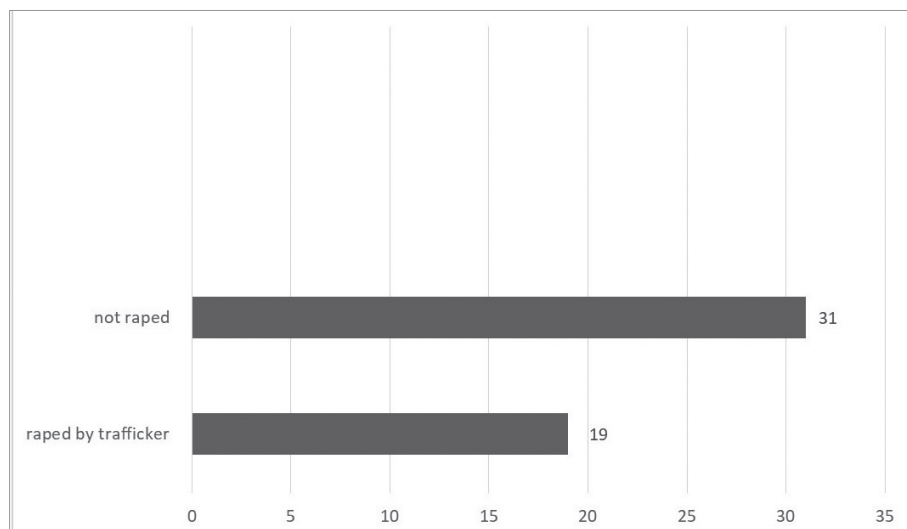


Fig. 2. Number of women raped by trafficker before being sold as a bride

Source: author's case study

Many of these trafficked brides are also forced to work in the commercial sex industry. Discrimination against these women is very common and they face it on a regular basis.⁶² There were many victims of human trafficking who reported that people addressed them with derogatory words and regarded them as mere paid providers of sexual pleasures. All of this occurs because these women are not treated with dignity and are frequently discriminated against in the majority of cases.⁶³

⁶² Girl Finally Rescued from Forced Marriage, Police Largely Uncooperative, Bachpan Bachao Andolan (Jul. 5, 2021), available at <https://www.bba.org.in/?q=content/girl-finally-rescued-forced-marriage-police-largely-uncooperative>.

⁶³ Manjula Chakravarty, *Forms of Discrimination on Women*, e-PGPathshala (Jul. 5, 2021), available at http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/women_studies/gender_studies/05.gender_psychology_sociology_and_anthropology/22.forms_of_discrimination_on_women/et/6213_et_et_22.pdf.

The discrimination against these women is so harsh that their children are not offered local wives on the grounds that they are the children of trafficked brides.⁶⁴ This phenomenon increases the chances of Bride Trafficking because families are forced to buy girls from elsewhere if the local girls refuse to marry these boys.⁶⁵

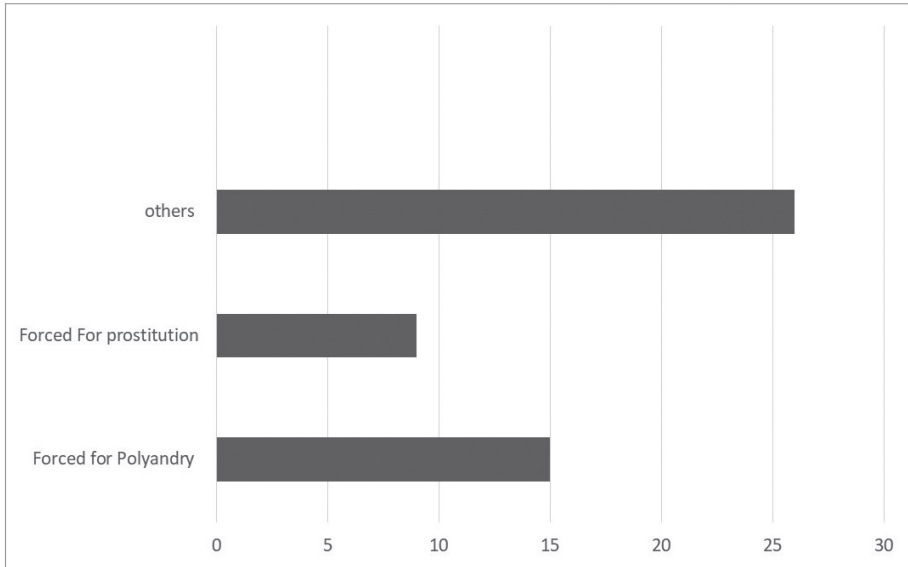


Fig. 3. Number of trafficked brides forced into prostitution and polyandry

Source: author’s case study

The majority of trafficked brides are pressured to engage in prostitution or satisfy their husband’s brothers and friends. According to Figure 3 above, nine out of fifty trafficked brides were forced into prostitution and fifteen of them were forced into polyandry at some point. These brides do not have the right to refuse to cohabit, and if they do, they face death.⁶⁶ The preceding situation clearly shows that these women are exploited, as well as their human rights violated, for the interests of their own so called husbands.

⁶⁴ Anonymous, Killing Girls, Buying Brides, OneWorld South Asia (Jul. 5, 2021), available at <http://southasia.oneworld.net/features/killing-girls-buying-brides#.WmQmSLyWblU>.

⁶⁵ *Id.*

⁶⁶ Das, *supra* note 45.

2.2. Legal Regime Related to Combatting Bride Trafficking

Bride Trafficking involves a series of crimes committed at the source, transit and destination stages and various laws exist to protect the trafficking victims from human rights violations. Bride Trafficking continues unabated despite the passage of numerous national laws and the adoption of various international legal instruments. There is no law at the national level that defines Bride Trafficking and its components. Bride Trafficking is a type of human trafficking for which there is no separate and exclusive legislation. However, researchers continue to question the competence of the current human trafficking laws to combat Bride Trafficking.

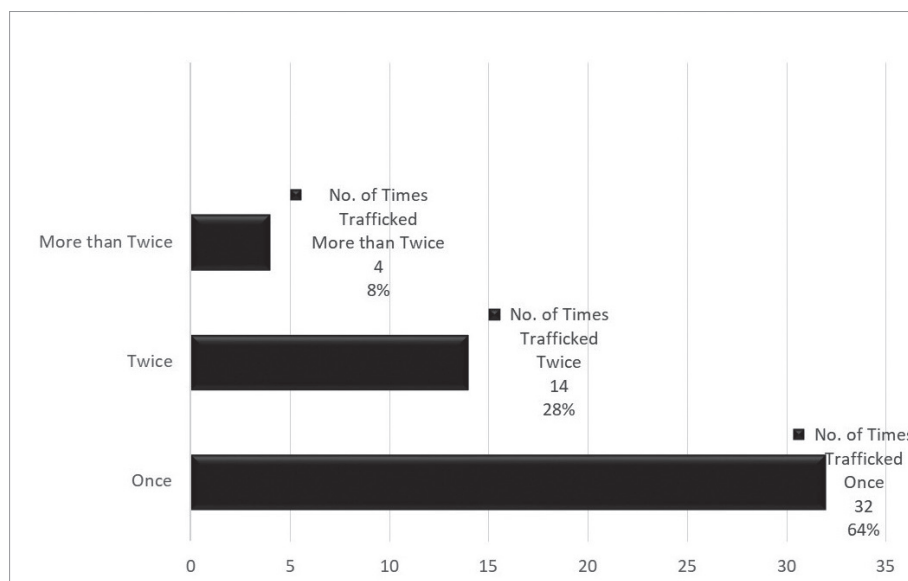


Fig. 4. Number of times a trafficked bride is re-trafficked

Source: author's case study

Figure 4 above reflects how our law enforcement mechanism fails to protect girls from being trafficked as brides. These statistics also show how Bride Trafficking is a profitable business and victims are frequently re-trafficked to mint money. In many cases, the trafficker has been in contact with the trafficked victims and whenever she is divorced or abandoned, the trafficker lures her again and traffics her to make money. The traffickers may also provoke the brides to leave their husbands, so that they can be sold again by them. Ten percent of these women are sold more than three times, which clearly shows that these women are treated like cattle and are sold and re-sold without any fear of prosecution.

Trafficking of brides has been prevalent in India for many decades and the situation is getting increasingly alarming. Bride Trafficking has been duly mentioned

in literature, but no proper place has been provided for the issue of Bride Trafficking in law. The Immoral Trafficking Prevention Act (ITPA) 1986 is the only special law dealing with problems pertaining to human trafficking issues in India. However, the ITPA fails to address the issue of Bride Trafficking because it only applies to immoral trafficking and makes no mention of Bride Trafficking being a part of human trafficking. There are numerous other legislations which address one or more aspects of Bride Trafficking, but none addresses the issue in its entirety. A few examples of legislation where Bride Trafficking is discussed are the Bonded Labour System (Abolition) Act of 1976 and the Juvenile Justice (Care and Protection of Children) Act, 2015. The Goa Children's Act 2003 is the first law that defines Bride Trafficking but only in the context of a child. The Goa Children's Act makes no mention of trafficked brides either.

The Constitution of India prohibits human trafficking under its various provisions. If we look closely, the Preamble of our constitution provides a vision to ensure "socio-economic justice" for all its citizens with stated liberties: "equality of status and of opportunity" and seeks to promote fraternity among the people assuring the dignity of the individual. The Bride Trafficking victims are also part of the citizenry hence the preamble directly forces our State to protect these victims from human rights violations.⁶⁷

Article 15(3) provides for special protective discrimination in favour of women and children, relieving them of the burden of declining formal equality. It states that "nothing in this article shall prevent the State from making any special provisions for women and children." This particular article could be of great help because it allows for the creation of new policies for the rehabilitation, rescue and support of the victims of Bride Trafficking. This article can be of great benefit to the victims of Bride Trafficking because new legislation or amendments to existing legislation can be proposed.

One of the most important and direct provisions of our constitution that affect Bride Trafficking is Article 23, which prohibits trafficking in human beings and forced labour.

Another important legislation is Article 46 of the Indian Constitution, which directs the state to promote the economic interests of women while also protecting them from social injustice and all forms of exploitation.⁶⁸ Trafficking victims face various economic and social injustices, especially Bride Trafficking victims who are not even treated as victims and are instead taken for granted. The preceding articles, as well as the Preamble to the Constitution, hold the state responsible as a guardian of these women and their interests and provide clear guidelines for protecting them from all forms of social and economic injustice. The state is trying to combat

⁶⁷ The Preamble, The Constitution of India (Jul. 5, 2021), available at <http://www.constitution.org/cons/india/preamble.html>.

⁶⁸ Article 46 directs the state to promote the educational and economic interests of women and weaker sections of the people and that it shall protect them from social injustice and all forms of exploitation.

trafficking, but the efforts are proving futile in light of the number of women who are trafficked annually to and from India each year.

The Protection of Human Rights Act 1993⁶⁹ does not expressly provide for the protection of trafficking victims, but it does give protection to all the people whose human rights are violated under its umbrella term of Human Rights.⁷⁰ Trafficked brides face human rights violations on a regular basis, including domestic violence, rape and sexual abuse. Although the National Human Rights Commission takes cognizance of matters related to human trafficking issues, its intervention has never played an important role in protecting the human rights of Bride Trafficking victims.

The State Human Rights Commission of Haryana (SHRC) has not taken any cognizance of Bride Trafficking to date. A proactive role on the part of the SHRC of Haryana would undoubtedly help in reducing the number of trafficked brides and bringing rehabilitation support to these women.

India ratified the international Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The ITPA was enacted to put domestic law in a position to protect the international obligations that India had taken upon itself. The ITPA only came into the picture to bring the national law into harmony with the international obligations agreed to under the Convention.⁷¹

The Immoral Trafficking Prevention Act (ITPA) is a very loosely drafted legislation that fails to provide even a definition of trafficking. The ITPA only deals with trafficking cases pertaining to prostitution and sexual exploitation of women and does not cover other kinds of trafficking such as organ trafficking, Bride Trafficking, trafficking for forced labour and so forth. The major loophole of this Act is that it provides no specific provision or reliable framework for the rehabilitation of trafficked victims. It defines immoral trafficking under Section 5A, but neglects to address the issue of forced marriage.

The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2020 brings hope for many trafficking victims, but it lacks clarity. The existing legal framework is patchy and provisions are scattered haphazardly under different laws, and it clearly fails to render protection to trafficking victims. After minor changes, the bill could become a comprehensive law that harmonizes various existing laws and integrates them into one.⁷²

⁶⁹ The Protection of Human Rights Act, 1993 (Jul. 5, 2021), available at https://www.indiacode.nic.in/bitstream/123456789/11184/1/the_protection_of_humen_rights_act_1993.pdf.

⁷⁰ "Human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in International Covenants and enforceable by courts in India.

⁷¹ United Nations Human Rights Office of the High Commissioner, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, approved by General Assembly resolution 317 (IV) of 2 December 1949 (Jul. 5, 2021), available at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/TrafficInPersons.aspx>.

⁷² Tripti Tandon, *Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 – Comments* (Jul. 5, 2021), available at <https://www.lawyerscollective.org/wp-content/uploads/2017/07/Critique-of-the-Anti-Trafficking-Bill-2018.pdf>.

This bill proposes to have anti-trafficking committees at three levels: district, State and national. By having three different anti-trafficking committees at different levels, problems and confusion in terms of jurisdiction and other procedural issues are likely to arise.⁷³ A vital feature of this bill is that standard roles are assigned to all anti-trafficking units, which include preparing individual care plans for all trafficking victims, providing appropriate rehabilitation and reintegration of victims, rehabilitation of the dependents of victims, provisions to discourage re-trafficking, co-ordinating with other departments and Panchayati Raj institutions to curb trafficking, facilitating inter-district and inter-State voluntary repatriation of victims, creating awareness programs and conducting rescue operations. Chapter V of this current bill also includes provisions for rescue and emergence or post emergence activities such as care, protection, rehabilitation and repatriation of trafficking victims. This bill addresses not only rehabilitation of victims, but also victim relief and monetary compensation. The bill also increases the punishments for trafficking by organised crime syndicates and criminal groups. Furthermore, the bill also includes provisions for penalties for abetment, conspiracy and attempt to commit trafficking.

This bill takes into account minute details that will be extremely important and useful in combating human trafficking, including Bride Trafficking. To become law, the bill requires the assent of both houses of parliament. Only then can its provisions come into force. Without the assent of both houses, the bill will eventually lapse, having served no useful purpose.

The Bill has also incorporated the recommendations given by the Supreme Court in the legal proceeding of *Budhadev Karmaskar v. the State of West Bengal*. In this case, the court directed that better rehabilitation and vocational training should be provided to victims of human trafficking and forced prostitution, with one of the most important recommendation being the creation of a community based rehabilitation plan.⁷⁴

The Juvenile Justice (Care and Protection of Children) Act, 2015 is critical in combating Bride Trafficking for trafficked brides under eighteen years of age. Because the majority of Bride Trafficking victims are trafficked under the age of eighteen, the Juvenile Justice Act (JJ Act) plays an important role in protecting the trafficking victims. The focus of this Act is to provide proper care and protection to children under the age of eighteen whose circumstances place them under the obligation or care and protection of the law. If the provisions of the Juvenile Justice Act are properly implemented, then providing rehabilitation to the victims of Bride Trafficking will be relatively simple. The Act gives the state government the authority

⁷³ The Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 (Jul. 5, 2021), available at <https://wcd.nic.in/sites/default/files/DRAFT%20TRAFFICKING%20IN%20PERSONS%20%28PREVENTION%2C%20CARE%20AND%20REHABILITATION%29%20BILL%202021%20%281%29.pdf>.

⁷⁴ Prabha Kotiswaran, *What Is Wrong with India's Trafficking Bill 2018: An Introduction*, 53(28) Econ. Polit. Wkly 1 (2018).

to form a Child Welfare Committee (CWC). A CWC is needed to protect and care or children who are in need of care and protection under the law. Section 34 provides for the establishment of children homes for the care and protection of children. These children in need (such as orphans, differently able children, trafficked victims, street children, sick children and children whose parents are unable to care for them) are cared for by the Child Welfare Committee. Nothing further is discussed under this Act and no definition of trafficking is provided. Nevertheless, this act contains numerous provisions that can be useful in protecting trafficked brides. One such provision that can help to prevent re-trafficking is Section 30, clause 7, which states that the Child Welfare Committee should try to provide placement for children in need. The Child Welfare Committee should also consider the age, disability and needs of children before offering any placement related assistance. This new Act contains many useful provisions, but its application is underutilized. The Act may serve as a rescue and rehabilitation platform for Bride Trafficking victims, but it has thus far failed to protect them.

The Indian Penal Code 1860 includes provisions for punishing trafficking and other criminal acts associated with it. Bride Trafficking victims face not only trafficking but also many other crimes for which the IPC provides definitions and punishments. The Indian Penal Code has more than twenty clauses that deal with trafficking. For instance, Sections 372 and 373 lay down rules in the event that a girl is sold or bought by someone, and Sections 354, 354A, 354B, 354C and 354D protect against crimes that outrage the modesty of a women.⁷⁵ There are several other such provisions which protect human trafficking victims and also the victims of Bride Trafficking.

The most important section which can directly affect and help Bride Trafficking victims is Section 366 of the Indian Penal Code, which deals with the provisions of kidnapping, abducting or inducing a woman to compel her to marry. Unfortunately, this provision is mostly used with the malicious intention of punishing couples who have eloped for the purpose of marriage or living together. Section 370 of the IPC provides a comprehensive definition of human trafficking, but it still leaves out many important types of human trafficking, including trafficking under the pretext of marriage.

3. Suggestions for Curbing the Menace of Bride Trafficking

Bride Trafficking is a multifaceted problem that requires a multifaceted approach to solve. There is no single suggestion that will suffice to curb Bride Trafficking. As a result, multiple measures, such as those provided below, need to be implemented to combat Bride Trafficking:

⁷⁵ Judicial Colloquium on Human Trafficking, Human Trafficking, Reading Material, 27 February 2016 (Jul. 5, 2021), available at http://jajharkhand.in/wp/wp-content/uploads/2017/01/05_human_trafficking.pdf.

- **Conducting programs at a large scale especially by the SP/DCP to educate police officers about probable cases of Bride Trafficking**

Police should be on high alert, particularly in high transit areas like railway stations, hotels, bus stands taxi stands and so on, and any suspected cases should be reported to the Control Room of the police for immediate action. Local NGOs working in areas of Bride Trafficking should be connected and coordinated before any rescue operation is launched. Bride Trafficking will not be eradicated until we create a victim friendly system. Moreover, in all cases where safe return of a trafficking victim is not possible, proper arrangements should be made to protect the rights and dignity of these trafficked women. Because victims of human trafficking are not prostitutes or criminals, the police must carry out their duties and conduct themselves in a dignified manner.⁷⁶

- **Repatriation and reintegration of the survivor into the community**

Most bride trafficked victims are lured for marriage or better jobs, and they develop a stigma that society and family will not accept them, so they never want to return to their villages and families. In most instances, family members are hostile to the trafficking victim, and this unwelcoming behaviour makes the situation of these trafficked brides even more precarious. Many women do not want to return to their families because of the risk of violence towards them, and some of these women are forced to comply with these conditions, making repatriation impossible.

- **Better rehabilitation policy and implementation of such policies**

In India, the process of rehabilitation primarily entails sending women to government run protection or shelter homes for protective custody until their cases are heard and after that they are returned to their original homes, which leads to re-trafficking because most of the terms and conditions due to which they were trafficked for the first time remain the same for both the family and the bride. The family would still be poor, if not poorer, than before, and thus would be unable to raise the trafficked bride and her children. Victims would still have to deal with societal issues, face societal problems and would still be regarded as unacceptable as previously. Thus, a thorough examination of rehabilitation policies and the effects of rehabilitation need to be carried out, and the government should provide some long-term support services to the victims of Bride Trafficking, which may include giving vocational training, jobs, and so forth.

- **Active role of Panchayati Raj Institutions**

Panchayati Raj institutions can play a crucial role in creating public awareness about Bride Trafficking and human trafficking. Gram Sabha and other organizations can help disseminate information about human trafficking. At the local level, the government can offer incentives to decoy customers/informers. This will incentivize

⁷⁶ Economic Review of India, National Portal (Jul. 5, 2021), available at <http://www.india.gov.in/allimpfrms/alldocs/12262.pdf>.

informers to report Bride Trafficking in Haryana, directly reducing trafficking in the future.⁷⁷

Panchayats can also play a vital role in the formation and functioning of Community Vigilance Groups, which will help reduce the number of trafficked brides; particularly in source areas (each community vigilance group constituted under prevention component should have a woman from the community duly recommended or nominated by the respective Panchayat/Municipality Corporation).⁷⁸

• **Awareness campaigns against female foeticide**

Due weight should also be given to awareness campaigns against female foeticide, which is one of the major causes of Bride Trafficking in Haryana. A low sex ratio is the main problem, due to which people from Haryana seek brides from other poverty-stricken areas.

• **Proper monitoring of child shelter homes and strengthening help desks for missing persons**

In a four-year period, 1,800 children were reported missing, despite the fact that only 26 shelter homes run by the government and private players were available. The statistics for the 2006–2010 period for 26 such shelters show that one-fifth of the total number of children residing in shelter homes were missing, 1,807 to be exact. This brings a regulatory system to the big question of the accountability and efficiency of these institutions.⁷⁹

Further assistance can be sought by setting up a national database of all traffickers involved in the Bride Trafficking business. This record can be created under the supervision of the National Crime Records Bureau. A special emphasis can also be placed on the creation of a help desk and information centre, which will provide information about the missing people, particularly children and women. The help desk can be used for providing information and alert notices about suspected traffickers, trafficking victims, anti-trafficking networks, dos and don'ts to be followed when dealing with victims of trafficking and so on. This portal will reduce the work of various law enforcement agencies in curbing Bride Trafficking and in finding missing people. The researcher has gone through various training modules and discovered that these training modules and manuals do not talk about Bride Trafficking and trafficking for the purpose of marriage.⁸⁰

⁷⁷ Anonymous, *Trafficking Issues and Concerns* (2008) (Jul. 5, 2021), available at <https://www.unodc.org/documents/human-trafficking/2008/BP023TheEffectivenessofLegalFrameworks.pdf>.

⁷⁸ Ministry of Women and Child Development, Government of India, *Ujjawala: A Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re-Integration of Victims of Trafficking for Commercial Sexual Exploitation* (2016) (Jul. 5, 2021), available at <https://wcd.nic.in/sites/default/files/Ujjawala%20New%20Scheme.pdf>.

⁷⁹ Ravikantsv, *1800 Kids Missing From Shelters in 4 Years*, Shakti Vahini, 2 April 2012 (Jul. 5, 2021), available at <https://shaktivahini.org/1800-kids-missing-from-shelters-in-4-years/>.

⁸⁰ United Nations Office on Drugs and Crime & Government of India, *Manual for Training Police on Anti-Human Trafficking* (2008) (Jul. 5, 2021), available at https://www.unodc.org/pdf/india/training_

• Economic support

Trafficked victims lose acceptance among their families, making it impossible for them to separate from their husbands even if they wanted. If the government can provide them with some financial assistance, they can start a small-scale industry which will help them to earn a living. Economic assistance will ensure that these women are not re-trafficked or made vulnerable to trafficking as a result of their poverty. Economic support will also ensure that their offspring are cared for, as many women who face atrocities by their husbands and in-laws have no option to leave or complain about them because of their economic state.

• Vocational training

Vocational training for Bride Trafficking victims will boost their confidence to work and earn their livelihood. Vocational training in areas such as stitching, tailoring, art and craft etc. will enable these women to be self-sufficient and earn for themselves and their offspring. After vocational training, the government can also provide the facility of interest-free loans to trafficked victims who want to start a business of some kind. This interest-free loan will enable these women to put their vocational training into practice and support themselves and their children.

Conclusion

The present study of Bride Trafficking in the State of Haryana has focused on the problems and daily life challenges that these brides face, as well as the ways in which their problems can be resolved. Various case studies of the victims helped us understand the true nature of this crime as well as its magnitude. Trafficked brides are subjected to a variety of violations, ranging from sexual violations, economic exploitation and social exclusion.

If we look at the definition of slavery according to the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, we can see that these trafficked victims are considered slaves under Article 1 clause (c)⁸¹ of the Indian Constitution. The researcher uses this definition of slavery rather than the definition of slavery given by the Global Slavery Index, which also includes arranged marriages under the ambit of slavery.

Trafficking is an old evil and not something which has recently emerged, but the recent trend shows that it is a matter of grave national and international concern. The process of globalisation poses significant challenges to contemporary forms of human trafficking, which have to be tackled by strict and stringent enforcement actions implemented through a coordinated approach.

manual_police1.pdf; see also United Nations Office on Drugs and Crime & Government of India, Training Manual for Prosecutors on Confronting Human Trafficking (2008) (Jul. 5, 2021), available at http://www.unodc.org/pdf/india/training_manual_prosecutors1.pdf.

⁸¹ Supplementary Convention, *supra* note 17.

There are many laws pertaining to human trafficking, but their implementation is very low, whereas there is no such law at the national or international level regarding Bride Trafficking. All the current laws, including the ITPA, the Juvenile Justice Act and the Child Marriage Act, have failed to curb Bride Trafficking in various parts of India. The current definition of human trafficking under Section 370 of the Indian Penal Code does not include trafficking for the purpose of marriage, hence making it ineffective in curbing Bride Trafficking from the State of Haryana.

The Law Commission of India has made a number of recommendations regarding the compulsory registration of marriages in order to curb bigamy, polygamy, polyandry and human trafficking for the purpose of marriage. Also, awareness pertaining to Bride Trafficking is very low, and it has been observed that the newspapers and various other media houses publish the names of the trafficking victims as they are without changing them, whereas in the case *The State of Punjab v. Gurmit Singh & Others* on 16 January 1996, the court explicitly ordered that the names of the victims of sexual crime should not be made public. We see in cases of Bride Trafficking, that many news reports disclose the real names of the victims. It can be concluded that in the case of Bride Trafficking, not only are the laws insufficient and ineffective, but so is public awareness of the crime.⁸² After having undertaken a situational analysis of Bride Trafficking victims, the researcher concludes that Bride Trafficking is caused by poverty and a low sex ratio.

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⁸² Law Commission of India, Government of India, Compulsory Registration of Marriages, Report No. 270 (July 2017) (Jul. 5, 2021), available at <http://lawcommissionofindia.nic.in/reports/Report270.pdf>.