

Challenges and Effectiveness of Law Enforcement in Implementing Anti-Trafficking Laws in India with Special Reference to Rescue of Women and Children

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ABSTRACT

Human trafficking in India remains an enormous challenge even with a robust framework of law, including the Immoral Traffic Prevention Act and the Trafficking of Persons Bill. Systemic inadequacies in regards to grossly insufficient funding, inadequate personnel, and institutionalized corruption act as dampeners in the effective implementation of these laws. The statistics of 2018-2022 showed ups and downs in rescues of women and children, a reflection of both advancements and regression s through extraneous variables such as the COVID-19 pandemic. The narrow focus on prostitution-related trafficking along with overlapping legal provisions further mar the efforts against this evil. Socio-economic root causes like poverty and gender inequality are not addressed sufficiently, thus limiting preventive measures. Appropriate measures for improved anti-trafficking efforts in India are capacity building, inter-agency cooperation, and victim-centred strategies. It is important to strengthen preventive measures through education and community outreach, to revise laws to cover all forms of trafficking, and to improve transparency and accountability in law enforcement procedures for the protection of vulnerable populations and observance of their rights and dignity.

Keywords: Human Trafficking, Legal Framework, Enforcement Challenges, Socio-economic Causes, Victim-Centric Approaches

INTRODUCTION:

Human trafficking is a gross violation of human dignity as millions of people all over the world are victims of it. Poverty, illiteracy, joblessness, and gender inequality are some of the major causes that have led to this problem in India on such a large scale. Victims of human trafficking usually belong to oppressed groups for reasons such as sexual exploitation, forced labour, child labour, and organ sale. Such is the intricacy of trafficking, and it keeps being a constant threat to the nation's attempts in combating this horrific crime, even though strong laws and procedures have been put in place. Law enforcement authorities play a critical role in halting the scourge of human trafficking. They identify victims, break up trafficking networks, and provide justice for survivors. Their role extends far beyond the role of merely conducting investigations, including preventive measures, civic involvement, and coordination with other parties such as NGOs and international organizations. Nevertheless, they are often held back by systemic and operational constraints from doing justice to the fight against trafficking.

Three major constraints faced by the police machinery of India include inadequate money, shortage of personnel, and restricted access to cutting-edge technology. Another institutional barrier includes insensitive case management and lack of proper training to deal with specific cases. Issues with collabouration amongst agencies and corruption are few such examples

that make things difficult for enforcing anti-trafficking legislation. Another obstacle to identifying victims and successfully prosecuting criminals is social and cultural barriers, such as shame and ignorance. The purpose of this paper is to analyze the role of the Indian police force in enforcement of the country's antitrafficking law. It considers the challenges that face the police departments and analyzes the performance of the police force in dealing with human trafficking. By providing a spotlight on current inadequacies and practical recommendations, the report can inform efforts for effective anti-trafficking measures in India.

Legal Framework Against Human Trafficking in India
The state, under Article 23 of the Indian constitution, is directed and obligated to protect people against exploitation. The article says that the state must enact laws which are against the danger of human trafficking and that forced labour in general, including the practice of "beggar" work, is forbidden. The "Bhartiya Nyay Sanhita 2023 prescribes in sections 96, 141 and 143 that any act of trafficking is to be punished in accordance with the provisions of the relevant statutes."

As of 1950, India signed the International Convention to Combat Human Trafficking of Persons and the exploitation of prostitution. Then came "Suppression of Immoral Traffic in women and Girls Act in 1956". Any person found to be acquiring or coercing or capturing a minor for the purpose of prostitution will have to face a

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minimum jail term of seven years and face life imprisonment under Section 5 of the Prohibition of Child Prostitution Act.

The person's offence under the Act is that he recruits or transports, transmits, harbors, or receives persons for the purposes of prostitution. It penalizes those who attempt to traffic or are found in or visiting brothels. Child sexual exploitation is considered a serious offence which is punishable with a jail term up to life and fines as high as one lakh rupees if it takes place in a brothel or under anybody's care. Even if one engages in public prostitution with the minors, it is considered an offence. In case a hotelier, for instance, knew that a minor was being prostituted, a fine, jail term, and even the revocation of his business license would follow. After being rescued from brothels or sexual exploitation, magistrates can place children in secure institutions. Landlords with tenants found guilty of child prostitution will not be able to re-lease the property without a magistrate's permission for three years.

"The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018" , states that all forms of human trafficking shall be investigated and their victims rescued, protected, and rehabilitated. The Bill at federal, state, and local levels creates authorities charged with conducting investigations and overseeing rehabilitation programs. Investigating and rescuing victims of trafficking is the purpose for constituting Anti-Trafficking Units. Rehabilitation Committees will provide treatment and rehabilitation to rescued victims. According to the Bill, other trafficked purposes are "aggravated" trafficking. Such uses include compelling someone into working, making them procreate, beg, or bringing about early sexual development. The sentences are higher for the more severe forms of trafficking.

Trafficked offence has several offences of various punishments in the Bill. Majority of the penalties summarized below are sterner than the law requires. Current legislation also addresses some of the types of trafficking included in the Bill, such as sexual exploitation and forced labour. While such laws do have provisions for comparable situations, the Bill has several elements that are distinct. Concerns about the Bill's execution arise from the fact that these laws will not be abolished.

It has criminalized the act of a property owner or lessee who wilfully allows human trafficking to be carried out on his property. The Bill gives rise to a presumption that the owner or lessor had knowledge of the offence, until proved to the contrary. This provision might violate Article 21 of the Constitution.

The victim will be granted immunity only if the perpetrator is found to have committed a crime with a sentence of over 10 years; smaller ones are not covered by this Bill. Perhaps, the immunity itself would become worthless because of the high threshold. The Bill sets penalties for anyone who disseminate or publish information that might inadvertently contribute to

human trafficking. How exactly this conduct will be judged for its potential to lead to trafficking remains unknown. Because the Bill classifies certain types of trafficking as "aggravated," these crimes carry harsher penalties. Consequently, some aggravated crimes, such as begging, have tougher punishments than others, such as enslavement.

Loopholes in the Current Legislative Framework to Curb Human Trafficking

Although India has an exhaustive framework of legislation against human trafficking, there are certain loopholes in it, which makes it ineffective. Although provisions exist in the form of Article 23 of the Constitution, and the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018, critical gaps still exist in the scope, enforcement, and specific provisions that allow for exploitation.

Someone is presumed guilty under the Immoral Traffic Prevention Act in some instances, such as when they are found in a brothel with a minor. Despite the noble intentions of this provision that intends to safeguard children, it calls into question the stand of due process and innocence until proven wrong. Tenants who are convicted traffickers may be worried about collaborating with law enforcers for the possibility of getting legally entangled because they are made to believe that they have to obtain a clearance order from the court before they can put up their house for rent again.

There are some new safeguards in the 2018 Trafficking of Persons Bill, but there are still some gaps. The assumption that property owners are aware of trafficking until shown otherwise has the potential to violate Article 21 of the Constitution, which ensures the right to life and liberty. Especially for vulnerable populations or small-scale landlords without legal representation, this presumption places the onus of evidence on the accused, increasing the risk of abuse and false charges.

Another problem is that the Bill assigns labels of "aggravated" to some types of trafficking. Because of this classification system, crimes like beggary have worse sentences than slavery or forced labour. This could cause arbitrary punishment and also make the offense of trafficking less serious than it is. The immunity is also a provision for the victim, which depends on the offender getting a term more than 10 years. For this reason, victims of lesser offenses might still be punished for crimes they committed through duress. Reporting news stories that incidentally facilitate trafficking are also liable for punishment under the proposed law. The proposed law, however, is not clear on how to determine such actions. This vagueness makes it problematic in terms of the reach and application of the provisions but increases the risk of abuse with a tendency to limit freedom of speech. For instance, it may incidentally sweep into the offending category journalists, academics, or NGOs working on projects meant to promote awareness about human trafficking. Another critical challenge is the implementation of existing laws. Inadequate funding, unqualified

personnel, and interagency coordination characterize the Anti-Trafficking Units established under the Bill. As a result, they cannot effectively investigate cases of trafficking and rescue victims. Rehabilitative programs mandated by law also do not do enough for rescued victims in the absence of resources or lack of proper implementation, even though well-intentioned. This leads to a cycle of exploitation, as re-trafficking is more probable.

Corruption in the judicial and law enforcement institutions also leads to a weaker legal framework. Traffickers pay their way to avoid punishment by taking advantage of these institutional weaknesses and thereby discourage victims from reporting such crimes, as seen by low conviction rates in cases of human trafficking. In addition, victims, specifically children and women, encounter social stigma that makes it impervious to bring legal action and obtain rehabilitation, extending the cycle of abuse and silence.

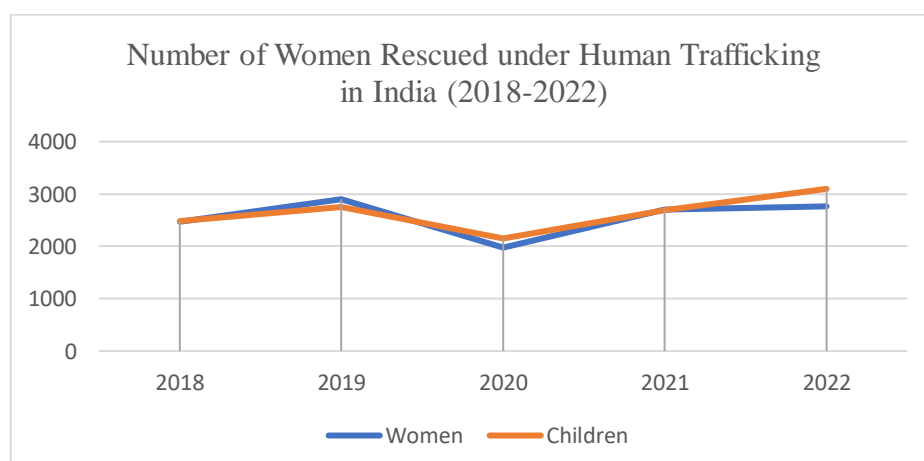
The Bill also loses effectiveness because it does not address the root socioeconomic flaws that spawn trafficking. Conditions traffickers take advantage of include unchecked ones such as low income, a lack of education, unemployment, and gender inequity. As

much as the legislation penalizes violators, it does little to address the root causes or even preventative measures like education and provision of employment to reduce susceptibility.

There is uncertainty since trafficking laws are overlapping. The Trafficking of Persons Bill and the Immoral Traffic Prevention Act, for example, deal with related but separate topics. Conflicts over jurisdiction, backlogs in the administration of justice, and uneven implementation of laws are all possible outcomes of this disintegration. Such laws, moreover, discourage the victims from seeking justice as they rarely have an easy understanding and concurrence with such complex structures. The intent behind the Indian legislation on human trafficking is appreciable; however, several loopholes weaken the execution of the framework itself. It is for its overly simplistic definitions of trafficking, uneven sentences delivered, wrong assumption of guilt, ineffective enforcement, and ignoring of socioeconomic vulnerabilities. Thus, the crucial gaps that need to be filled are comprehensive policies focusing on victims, including measures related to prevention, having clear, uniform, and enforced laws. That is the only way India can fight the evil of human trafficking.

Data Regarding Rescue of Women and Children in Human Trafficking in India from 2018 to 2024

Number of Women and Children Rescued under Human Trafficking in India (2018-2022)		
	Women	Children
2018	2466	2484
2019	2900	2746
2020	1976	2151
2021	2707	2691
2022	2767	3098



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The data on the rescue of women and children from human trafficking in India between 2018 and 2022 outlines palpable trends, reflecting both the works of law enforcement agencies and challenges in the fight against trafficking. The statistics show the fluctuations from one year to another, thereby also reflecting the progress and setbacks in combating this significant issue.

From 2018 to 2019, significant figures for rescues of women and children were reported. The number of women rescued increased from 2,466 to 2,900 with a rise of 17.6%. Similarly, children rescued rose from 2,484 to 2,746, an increase of 10.5%. This upward trend may be owed to mechanisms of reporting that have improved and heightened vigilance by anti-trafficking units during this period.

In 2020, rescues declined significantly owing to the disruption caused by the COVID-19 pandemic. The rescues of women decreased from 2,900 in 2019 to 1,976 in 2020, a decline of 31.8%. In children, rescues decreased from 2,746 in 2019 to 2,151 in 2020, a decline of 21.7%. The pandemic likely interrupted the discovery of trafficking cases and law enforcement capacities, which might have led to this sharp decline.

A recovery was observed in 2021, as rescues showed significant growth for both groups. The figure of women rescued stood at 2,707, up by 37% from the preceding year. Child rescues also reached 2,691, amounting to a corresponding growth of 25.1%. This appears to be a revival, with anti-trafficking operations resuming as the grip of the pandemic waned and enforcement activities were resumed.

Both categories improved in 2022, but the increase was more pronounced for children. Women rescued improved moderately to 2,767, a 2.2 percent rise from 2021, while children rescued improved significantly to 3,098, increasing by 15.1 percent. This disparity may be a more focused identification and rescue of children or a rise in cases that involve minors.

Trends for women and children are also found to have a parallel ups and downs trajectory over the years under the influence of events outside their control, including pandemics, disruptions, and enforcement efforts. However, the magnitude of change in rescues is different. The steepness of decline of rescues during 2020 was greater for women, and the recovery in 2021 was much more pronounced for them than for children. By contrast, the child rescues during 2022 saw a higher spike that indicates an increased attention on remedying child trafficking.

The data in general emphasizes the need for sustained and targeted efforts to combat human trafficking in India. While there is an indication of progress in this regard, the fluctuations highlight vulnerabilities of the victims and emphasize the importance of steady enforcement, resource allocation, and victim rehabilitation in curbing trafficking effectively.

Effectiveness of Law Enforcement

Indian law enforcement's performance in enforcing anti-trafficking legislation might be better understood by

looking at the statistics of the number of women and children rescued from trafficking between 2018 and 2022. Such data depicts evident improvements with some trends that indicate law enforcement is not always up to the task of combating human trafficking.

Rescue increased from 2018 to 2019 due to sterner enforcement and more monitoring. The number of victims of human trafficking found and rescued likely rose during this period because law enforcement was increasing their efforts. And the uptick in rescues in 2021 and 2022 also suggests that police departments are back at it following the death rattle of the epidemic but are, in fact, now putting renewed effort into the fight against human trafficking. Probably, a number of authorities hailed the confrontation with child trafficking in 2022 because the number of children rescued skyrocketed as women's cases increased by a little fraction. That means it may be increased cooperation with anti-trafficking units, or specific training of officials to detect youths at risk.

The COVID-19 epidemic and all other phenomena of 2020 unveiled the weakness in the law enforcement mechanism, as revealed by the sharp landslide in the operations to rescue. Given the crisis's resource constraints, decreased operational capacity, and challenges in interagency collaboration, this decline suggests that trafficking-related cases were missed or not addressed. This means that enforcement needs foreseeable circumstances to act on; otherwise, there are gaps in preparedness for unforeseen issues. Although it is encouraging to note that rescues have been steadily increasing in subsequent years, the trend reflects that enforcement performance is inconsistent year-on-year. These fluctuations in enforcement of anti-trafficking legislation between regions and through time demonstrate regional variation. Other factors that might impede effective operation of law enforcement include lack of adequate funding, untrained professionals, and corrupt personnel at specific locations.

There are also the Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill and the Immoral Traffic Prevention Act, but the structural problems sometimes make it difficult to implement them. The reasons behind this include lack of collaboration between federal and state organizations, weakly designed victim-identification systems, and inadequately trained employees. The inability to successfully prosecute and investigate cases leaves the legislative framework of anti-trafficking ineffective as a preventive measure. Additionally, the increased number of child rescue operations in 2022 could be a sign that counter-trafficking approaches have not been proactive enough to prevent exploitation since children are only rescued after exploitation has occurred. In order to proactively decrease trafficking instances, it is necessary to increase preventive efforts such as community

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outreach, education, and tighter monitoring of sensitive regions.

Indian law enforcement is doing a mixed job regarding anti-trafficking legislation enforcement. Although some good progress has been made—there have indeed been even better years than others—and though many efforts are targeted at the most vulnerable populations such as children, there are still many obstacles, including limited resources, lack of standard implementation, and poor crisis preparation. For initiatives aimed at anti-trafficking to be more effective, investment in capacity development, inter-agency cooperation, victim-centric methods, and uniform enforcement of the law across the country is essential.

CONCLUSION

Instead, India's efforts against human trafficking are a complex issue that shows inconsistency with regards to progress and challenges. Although the legal framework is strong, including the Immoral Traffic Prevention Act and the Trafficking of Persons Bill, there remains a flawed enforcement system—inefficiently funded, inadequately manned, and corrupted. The data for the period 2018–2022 depicts fluctuations in the number of rescues and suggests that the capabilities of law enforcement have been influenced by external factors, such as the COVID-19 pandemic. Although there has been a significant rise in rescues post-pandemic, which indicates renewed efforts, the inconsistency calls for more resilient and proactive action.

It is certainly comprehensive, but loopholes continue to hamper the effectiveness of its structure. Its very narrow focus on prostitution-related trafficking, presumption of guilt, and overlapping laws form a set of barriers to justice and victim protection. The socio-economic root causes of trafficking, that is, poverty and gender inequality are not sufficiently addressed in such a way that could propel current measures toward greater preventive potential.

India must, therefore, invest in capacity building, ensure inter-agency cooperation, and adopt victim-centric approaches to enhancing efforts towards anti-trafficking. Strengthening preventive measures through education and community outreach must complement law enforcement uniformity. Closing the loopholes pertaining to socio-economic vulnerabilities and the existence of clearly enforceable laws would be next. Focusing on these would enable India to take major leaps forward in the struggle against human trafficking as well as protecting its most vulnerable populations' rights and dignity.

Recommendations

- Provide increased funding and resources for law enforcement agencies to enhance their capacity in effectively combating human trafficking.
- Offer specialized training for law enforcement personnel to enhance skills in victim identification and case management.

- Strengthen inter-agency collaboration at federal, state, and local levels to ensure cohesive and coordinated efforts against trafficking.
- Address the socio-economic root causes of trafficking through programs that aim to address poverty and illiteracy, or gender discrimination.
- Revise the existing body of laws to encompass all forms of trafficking including forced labour, domestic slavery, and organ harvesting, going beyond prostitution-related trafficking.
- Avoid overlapping legal provisions, making the legal framework in a simple form understandable and implementable.
- Provide community outreach and education programs regarding human trafficking and preventive measures.
- Implement community outreach and education programs to raise awareness about human trafficking and preventive measures.
- Design victim-centered practices that emphasize rights and rehabilitation of trafficking victims while keeping them under protection and support.
- Design a strong monitoring and evaluation mechanism to monitor anti-trafficking initiatives for effectiveness and make necessary changes.
- Improve transparency and accountability of law enforcement and judicial mechanisms to reduce corruption and enhance the rate of conviction in trafficking cases.

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