

SEX TRAFFICKING OF WOMEN AND GIRLS IN ASSAM AND MEGHALAYA
A DISSERTATION SUBMITTED TO THE UNIVERSITY OF HYDERABAD IN
PARTIAL FULFILMENT OF THE REQUIREMENTS FOR THE AWARD

OF

DOCTOR OF PHILOSOPHY

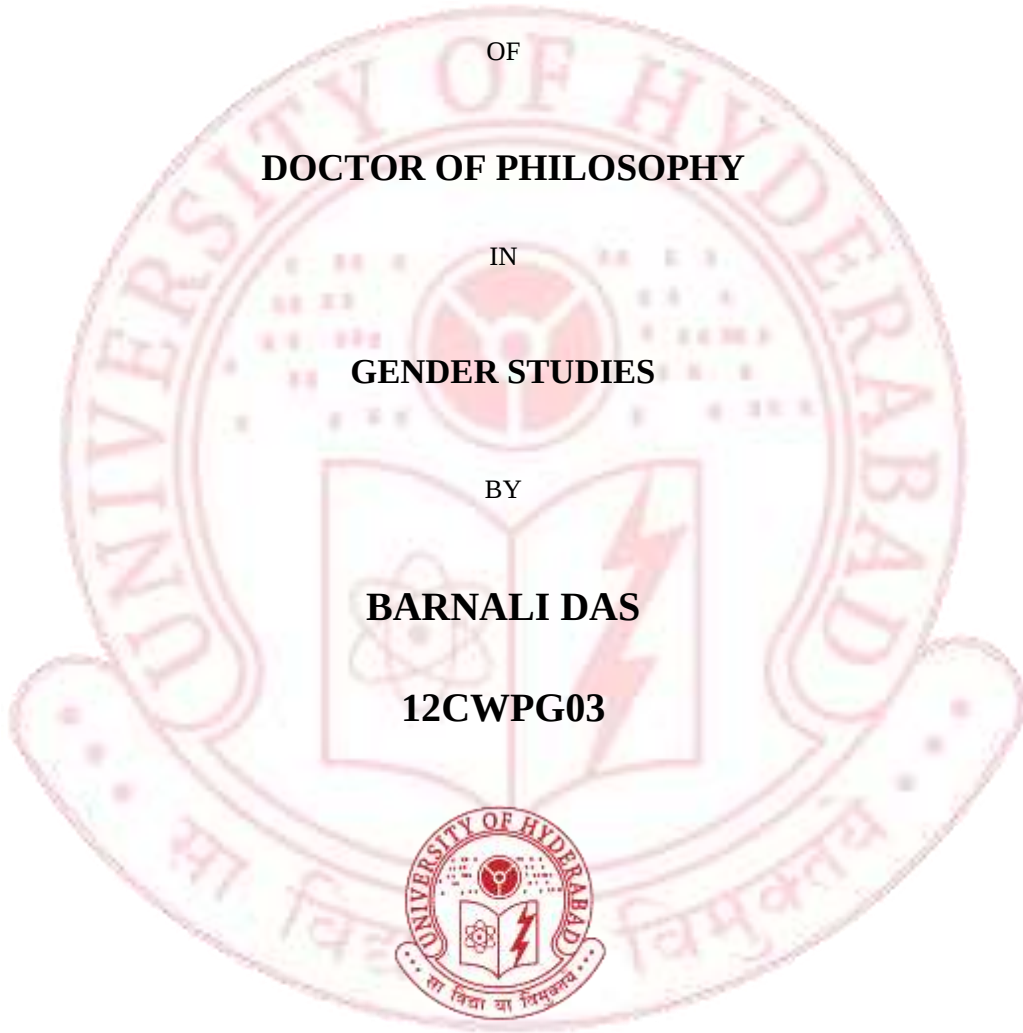
IN

GENDER STUDIES

BY

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CENTRE FOR WOMEN'S STUDIES

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JUNE 2020



CERTIFICATE

This is to certify that the thesis entitled “**Sex Trafficking of Women and Girls in Assam and Meghalaya**” submitted by **Barnali Das** bearing registration number **12CWPG03** in partial fulfilment of the requirements for the award of Doctor of Philosophy in the School of Social Sciences is a bonafide work carried out by her under my supervision and guidance.

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Parts of the thesis have been:

A. Published in the following publications:

1. (2016). “‘Who Would Like to Live in this Cage?’ Voices from a Shelter Home in Assam’. *Economic & Political Weekly*, L1(44&45), 77-84 ISSN 2349-8846.
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Further, the student has passed the following courses towards fulfilment of coursework requirements for PhD.

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DECLARATION

I hereby declare that the work embodied in the present dissertation entitled “**Sex Trafficking of Women and Girls in Assam and Meghalaya**” is carried out under the supervision of **Prof. Rekha Pande**, for the award of Doctor of Philosophy in Gender Studies from University of Hyderabad, is an original work of mine and to the best of my knowledge no part of this dissertation has been submitted for the award of any research degree or diploma at any University. I also declare that this is a bonafide research work which is free from plagiarism. I hereby agree that my thesis can be deposited in Shodhganga/INFLIBNET.

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CONTENTS

Certificate	i-ii
Declaration	iii
Acknowledgements	iv-vii

CHAPTER: I

INTRODUCTION	1-60
1.1. Rationale of the Study	11
1.2. Research Questions	12
1.3. Objectives	12
1.4. Methodology	13
1.4.1. Areas of Study	13
1.4.2. Data Collection	13
1.4.3. Sampling Technique	14
1.4.4. Research Design	15
1.4.5. Number of Respondents	15
1.4.6. Techniques of Data Collection	16
1.4.7. Data Analysis	19
1.5. Literature Review	20
1.5.1. The Recruitment Methods	20
1.5.2. Structural, Societal, and Cultural Foundations	21
1.5.3. Violence Perpetrated to Trafficked Women and Girls	23
1.5.4. Trafficking and Human Rights Violation	25
1.5.5. Destination, Source and Transit Sites	26
1.5.6. Magnitude of Sex Trafficking	26

1.5.7. Sex Trafficking and its Association with Venereal Diseases	27
1.5.8. Sex trafficking and Migration: The Causal Link	28
1.5.9. Smuggling and Sex Trafficking: The Conflation	31
1.5.10. Sex Work or Prostitution and Sex Trafficking: The Conflation	32
1.5.11. Legalisation or Decriminalisation	33
1.5.12. Abolitionists and Regulationist School of Thought	34
1.5.13. Women's Movement against Sex Trafficking	37
1.5.14. Brothels- The Recruiting Spaces	41
1.5.15. Shelter Homes- The Rehabilitative Spaces	42
1.5.16. The Raids, Rescue and Rehabilitation Industry	43
1.6. The Gaps In The Literature	45
1.7. Theoretical Framework	45
1.8. Limitations Of The Study	50
1.9. Chapterisation	51

CHAPTER: II

BACKGROUND OF THE REGIONS: ASSAM AND MEGHALAYA	61-90
2.1. Introduction	61
2.2. Assam	61
2.2.1. Geography of Assam	62
2.2.2. Demographic Outline of Assam	63
2.2.3. Education and Literacy	63
2.2.4. Economic Profile of the State	64
2.2.5. Position of Women in Assam	67
2.2.6. Slavery in Assam	70
2.2.7. Records of Sex Trafficking in Assam	70

2.2.8. Narrative of Human Trafficking in Assam	71
2.2.9. History of Human Trafficking in Assam	72
2.2.10. Conflict and Insurgency	73
2.2.11. Floods and Human Trafficking in Assam	74
2.3. Meghalaya	74
2.3.1. Geography of Meghalaya	75
2.3.2. Demographic Outline of Meghalaya	75
2.3.3. Literacy and Education	76
2.3.4. Economic Profile of the State	77
2.3.5. Position of Women in Meghalaya	78
2.3.6. Records of Human Trafficking in Meghalaya	79
2.4. Conclusions	80

CHAPTER: III

THE STATE RESPONSES ON HUMAN AND SEX TRAFFICKING: THE POLITICS **91-129**

3.1. Introduction	91
3.2. Chronological Discussion of The Laws on Trafficking	92
3.2.1. Contagious Diseases Act (1864)	92
3.2.2. White Slave Traffic Act (1910)	93
3.2.3. League of Nations (1919)	96
3.2.4. Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949 Convention)	98
3.2.5. Convention on The Elimination of all Forms of Discrimination Against Women (CEDAW) (1979)	100

3.2.6. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000)	102
3.2.7. Trafficking Victims Protection Act (2000)	103
3.2.8. Evolving of Laws from White Slave Traffic to the Palermo Protocol	107
3.3. Anti-Trafficking Crusade in India	108
3.4. A Critical Analysis of The National And International Laws On Human Trafficking	111
3.4.1. Violence Against Women	112
3.4.2. Moral Panic	113
3.4.3. Anti-Trafficking Law Masquerading As Border Control Laws	115
3.4.4. The Outcome Of The Anti-Trafficking Campaign	119
3.5. Conclusions	121

CHAPTER: IV

CIVIL SOCIETY AND SEX TRAFFICKING 130- 172

4.1. Introduction	130
4.2. Profile of The Respondents	131
4.2.1. Profile Of The Survivors	131
4.2.2. Profile Of: Stakeholders, Political Leaders, and Head Men	132
4.2.3. Profile Of: Residents Within Ujjawala Shelter Homes, Tea Garden Workers, Sex Workers, And Other Respondents	133
4.3. Multiple Voices	134
4.3.1. Recruitment Methods	135
4.3.2. Pre Rescue: Breaking-In	138
4.3.3. Rescue	138

4.3.4. Prosecution Of Traffickers	142
4.3.5. Re-Trafficking	143
4.3.6. Redressing Sex Trafficking	144
4.3.7. Shelter Homes	145
4.3.8. Alternative Life Choices For Victims	149
4.3.9. Sex Markets And Sex Work	150
4.3.10. Earnings	152
4.3.11. Demand Of Girls And Women from Meghalaya	153
4.3.12. Meghalaya as Source and Destination Site	154
4.3.13. Sex Trafficking and its Relation to Assam And Meghalaya	155
4.3.14. Reverse Sex Trafficking	158
4.3.15. Conflation Of Sex Trafficking And Sex Work	160
4.3.16. Converting From ' <i>Bad To Good</i> ' Girls And Women	161
4.3.17. A Trafficked Victim As The Face Of An Organisation	163
4.3.18. Psychological Conditions	165
4.3.19. Police And The Sex Markets	166
4.4. An Approach: Gender Sensitive Or Gender Insensitive	166
4.4.1. Gendered Treatment Of Trafficked Victims	166
4.4.2. Gendered Approach On Awareness Programme On Women And Trafficking	168
4.5. Conclusions	169

CHAPTER: V

LIFE STORIES	173- 214
5.1. Introduction	173
5.2. Understanding Sex Trafficking from a Feminist Perspective	174
5.2.1. Foundations of Sex trafficking	174
5.2.2. The Multiple Process of Recruitment	178
5.3. The Pre-Rescue Stories	183
5.3.1. Stories of Merchandise	184
5.3.2. Breaking-in	184
5.3.3. Exploitation and Violence	186
5.3.4. Lived Realities of the Place of Business	189
5.4. The Post-Rescue Stories	194
5.4.1. Raids, Rescue, and Rehabilitation	194
5.4.2. Shelter Home: The Place for ‘Rehabilitation’	195
5.4.3. Exploitation and Violence in Rehabilitative Spaces	201
5.5. Other Dimensions to the Discourse Of Sex Trafficking	204
5.5.1. Earning	204
5.5.2. Consent and Non-consent	205
5.5.3. Complexities in the Anti-trafficking Discourse	206
5.5.4. Agency of Victims of Trafficking	207
5.5.5. Traffickers and Police: The Relation	208
5.5.6. Trafficked Victim transformed into a Sex Worker	210
5.5.7. Prototypical Picture of a Trafficked Victim	211
5.6. Conclusions	211

CHAPTER: VI

“<i>NOSTO CHANDRIKA</i>” (DAMAGED GIRL)	215- 257
6.1. Introduction	215
6.2. The Stories	216
6.2.1. Illegally Crossed	216
6.2.2. Exploitation of Trust	220
6.2.3. Doubly Trafficked: Sold by Father and Husband	223
6.2.4. Deceitful Love	225
6.2.5. Sold for 5000 rupees	228
6.2.6. A Chain of Exchanges: Bride Price or Trafficking	230
6.2.7. Purification of a <i>Damaged</i> Woman	231
6.2.8. Lack of trust	238
6.2.9. Bodies Traded for Commercial Sexual Exploitation	239
6.2.10. Desires of Economic Empowerment	241
6.2.11. A Story of Rescue	241
6.2.12. Saved from Being Damaged	242
6.2.13. Trafficking of Bodo Girls	243
6.2.14. Bride trafficking: Assam to Haryana	245
6.2.15. A Story of Agency	247
6.3. Morality And Immorality: The Arguments	252
6.4. Conclusions	254

CHAPTER: VII

CONCLUSION 258-269

7.1. Suggestions for the Study 268

7.2. Scope of further study 269

BIBLIOGRAPHY 270- 297

CHAPTER- I

INTRODUCTION

The present study seeks to delve into the context of sex trafficking in Assam and Meghalaya. They are geographically linked with each other and share international borders with Bangladesh. To reach the Barak valley of Assam, one has to enter through the state of Meghalaya. Therefore, the rationale for selecting Assam and Meghalaya lies in this ‘interlinkage’ between the states, higher occurrences of sex trafficking and sparse research of the phenomenon (Justice Mir, 2018, para. 5 & 6).

Human trafficking is multilayered and a highly complex phenomenon. The pragmatic reality of the phenomenon was found to have entered the consciousness of bourgeoisie society in the late 18th and early 20th century. Josephine Butler held a campaign against the ‘white slave trade’ in 1875. Further, in 1875 an international conference “on sex trafficking was held in Paris” (Weeks, 2011, p. 215). In the mid-20th century, the phenomenon was widely discussed and debated by feminists groups. The main objective of this chapter is to present the research and explain the debates and arguments regarding human and sex trafficking.

Trafficking of human beings is not a recent phenomenon, and has existed since civilisation. This argument is based on Freud’s articulation of civilisation (1962). He argued that civilisation is a process which is characterised by repression, authority, regulation, domination, and slavery (Freud, 1962). Civilisation and its social engineering led to the formations of the multiple systems of patriarchy. Thereby, in the system of patriarchy, the social construct of repression, authority, regulation, domination, and slavery took its form. The system has its origins in captivity, abduction, and exchange of women between communities. The manifestations of male-

centric societies were witnessed with men being attacked and killed, while women were taken as slaves. Women served both as bonded and sexual slaves (Lerner, 1986, p.21). This could be argued as evidence of sex trafficking that existed with the institutionalisation of patriarchy. Its traces could be found since 200 BC (Lerner, 1986, p.21). Therefore, it has existed amid the emergence and sedimentation of patriarchal society.

Therefore, the history of sex trafficking can be traced from Mesopotamian societies of the second millennium. The daughters of financially constrained families were forced for marriages or prostitution to propel the financial interests of their families (Lerner, 1986, p.213). The advent of civilisation and patriarchy and the inherent subordination of women could be argued to be the beginning of the problem of sex trafficking. Further, trafficking in human beings is a by-product of slavery. History reveals about innumerable people transported to live under some kind of bondage, either by force or through abduction. The present study would be dealing with one such practice of slavery that is termed as 'sexual slavery'.

However, due to the lack of terminologies and gender-specific consciousness of the social milieu, the terminology of the phenomenon took its shape since 1904 with the White Slave Traffic Act. Hence, in the modern context, the moral panic against white women prostitution in the colonies could be argued to be the beginning of sex trafficking.

In order to control and regulate prostitution, a moral panic evolved against contagious diseases. This led to the formation of the Contagious Diseases Act (CDA) - a movement that was led by Josephine Butler. The CDA is the foundation over which the initial theory on sex trafficking was developed. The foundational principle of the Act was that all women in prostitution were subjected to sexual exploitation.

Therefore, irrespective of the facets of voluntary or forced sex work, trafficking was historically considered to be trafficking for prostitution. In this context historically trafficking was solely restricted to a gendered understanding of sex trafficking. It was limited to sexual slavery of girls and women. The perception continues to dominate the existing sex trafficking discourse.

The comprehension and conceptualisation of the term trafficking inherently meant the transport of women's bodies across borders. This received its relevance from the social purity campaigns that were ideally concerned with the transportation of European white girls to the colonies (Tambe, 2009, p.68). Thereby, the colonial state conceived trafficking as a phenomenon that involved the third party who transported victims to brothels or clients (Tambe, 2009, p.74).

The 1949 Convention¹ expresses that prostitution and the accompanying perniciousness of the traffic in people are inconsistent with the integrity and the worth of the individual². It jeopardises the wellbeing of the community, family and the individual. It prosecutes those who even with consent employs a person into prostitution. It also takes into account those who maintains, as well as finance brothels (Lansink, 2006, p.48, United Nations Human Rights Office of the High Commissioner, 1951).

Therefore, trafficking in person was historically comprehended strictly within the limits of 'prostitution'. Huda (2006) stated that traditional connotation of the term 'trafficking' is referred to as the abduction and enslavement of workers for commercial sexual exploitation (CSE) (p. 375). There was no bifurcation between forced and willful sexual engagement (George, Vindhya

¹Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949

²The historic and colonial formulation of trafficking is vividly mirrored in "the four international treaties on trafficking (1904, 1910, 1921 and 1933)" (Lansink, 2006, p.48). These four treaties were combined in the "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949" which explicitly attributes trafficking to prostitution "across borders and within a country" (Lansink, 2006, p.48, United Nations Human Rights Office of the High Commissioner, 1951).

& Ray, 2010, p.375). It was restricted to a radical feminist understanding of prostitution which meant that women could not voluntarily exchange sex for money and has to be essentially forced into the trade.

Further, Hugges (2013) argues that the coinage of the term was “during the second wave women’s movement (1980s)” (para. 2). During this period Hugges (2013) argues that the context of free and forced prostitution has been immensely debated by feminists scholars and a contemplation prevailed on whether sex trafficking constitute all forms of prostitution (para. 2). The primary underlying context of the phenomenon is its economics of exchange which then henceforth erupts political and social emotions of the civilised and patriarchal society.

The departure from the above designing of the phenomenon of trafficking was made by the United Nations Trafficking Protocol and the Trafficking Victims Protection Act (TVPA). The primary deviation from the historic understanding was made with the new conceptual framing of the phenomenon. It was no longer restricted to sexual slavery; rather included other forms of forced labour (Chuang, 2010, p.1657). Another significant departure was made in broadening the plateau of victims. It included a broader category of victims- men, “women, and children” (Chuang, 2010, p.1657).

The world in 2000 agreed upon the United Nations classification of trafficking in persons. The Palermo Protocol designed a comprehensive definition of the phenomenon of trafficking. The encompassing definition of 2000 came as a result of a series of debates and discussions between two schools of thought- the abolitionist and regulationist. The former which maintained that abrogating sex work is a viable method to combat the problem of sex trafficking, while the regulationist school of thought believes that regularising sex trafficking would help address the issue of sex trafficking.

The definition is an outcome of two feminists schools of thought- regulationist and abolitionist. As a mechanism to combat trafficking, both the schools debated on the aspect of regularisation or abolition of prostitution. The United Nations, though not in absolute terms adhered to the demands of either of the schools. However, an examination of the definition would enable one to look into the covert adherence to the abolitionist school of thought (Chuang, 2010, 1656).

The thrust of the definition revolves around three major elements- action, means, and purpose. For a nuanced comprehension, the definition could be clustered under three components- The first is ‘what constitutes human trafficking’, second by ‘what means are victims of trafficking recruited, transferred, harboured or received’, and third for what purpose victims are trafficked³.

Nonetheless, concerning children only action and purpose are adequate, regardless of whether this does not include any of the recruitment methods. In this regard, the conscription of a child with the aim of abuse and exploitation is conceived to be an act of trafficking (Lansink, 2006, p.49). Further, Article 3(a) and 3(b) of the definition envisages the redundancy of consent and sets it irrelevant. Thereby, even though victims initially agreed to migrate and work either in the sex industry or work for a low wage, it becomes irrelevant if victims are forced, coerced or deceived (Lansink, 2006, p.50).

³ a) Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation; Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article; d) “Child” shall mean any person under eighteen years of age. (UN, 2000).

Although the definition is comprehensive and seeks to address various other forms of human trafficking, however a minute analysis of the definition reveals it's increasing focus on sex trafficking. Therefore, the definition reflects a greater association with the abolitionist school of thought. Thereby, along with other organisations and feminists groups the Human Rights Caucus critiques the bent on sex trafficking and the covert abolitionist nature of the Protocol. If women's engagement in sex work does not have an element of force then essentially it lacks the qualifying dimension to be a case of sex trafficking.

Doezema (2002) argues that there has to be a distinction between adults, especially women, and children (p.21). Thereby, with the objective of protecting women it ought to abstain from belittling the position of women and deprecating them to the level of children. Such a standpoint has restricted women in exercising their rights and privileges (as cited in Doezema, 2002, p. 21). Therefore, although the definition of 'trafficking' has been internationally accepted in 2000 with the United Nations Protocol on trafficking, yet what constitutes the definition of 'trafficking' remains contested (Chuang, 2010, p.1656).

As a result of the above multifarious phenomenon, the victims of trafficking undergo extreme forms of human rights violation. It includes the defilement of bodies and the self of women and children. The phenomenon of human and sex trafficking violates the fundamental principles and clauses of the Human Rights Act. This aspect could be further explicated through an outlining of the articles of the Universal Declaration of Human Rights:

Article 1 ensures freedom and equality of dignity and rights

Article 3 guarantees a person's right to life, liberty and security.

Article 4 is the prohibition of slavery and the slave trade in all forms.

Article 5 is a prohibition to the torture of human beings. It states that no one is subjected to torture or abuse or punishment that is barbaric, inhuman or degrading.

Article 13 guarantees the right to freedom of movement across one's own country and abroad (Universal Declaration of Human Rights, 1948, p.4,8, 12, 28).

The above foregrounds that human trafficking violates Article 3,4,5, and 13 of the Declaration. Further, research on human trafficking and sex trafficking shows evidence of victims being denied freedom, dignity, liberty, and security. Therefore, victims of sex trafficking undergo physical, psychological, and emotional exploitation. They are harassed, threatened, and treated inhumanely. Several empirical research by authors like Brown (2000), Jana, Bandyopadhyay, Dutta & Saha (2002), report of victims being gang-raped, drugged, abused, murdered by their 'owners' in case of denial to engage in prostitution. They are used as "disposable tools for making money" (as cited in O'Connell Davidson, 2006, p.7).

Millions of women and children every year are coerced into the business of commercial sexual trade. Reasons that play to manifest the crime of sexual slavery are poverty, civil unrest, unemployment, conflict, gender, unequal class and caste identities and social positions. Huda (2006) claims that it mirrors several social issues facing the present global society (p.374).

This research argues the primary foundation of sex trafficking in women and children is the social construction of gender and gendered dimensions of power and status (Crawford, 2010, p.9). Therefore, the unequal power relations of gender and the subordinated status of women are among the underlying causes of sex trafficking. Gender-discrimination has a profound existence in society. Distinct roles in the society have been assigned to both the genders, which essentially

have articulated women as 'dependent sex'. Their subjugated and dominated status makes them vulnerable to many gendered crimes in society. The sex trafficking industry has led to such multilevel and multifarious forms of exploitation of women. Their exploitation occurs at various stages. First at the hands of traffickers, then by brothel owners, customers and various other agents of the sex trafficking industry such as the criminal networks. The primary exploitation includes- coercion, deceiving the potential victims and luring them into the business.

Brown (2000) argues that women all throughout the world are being sold, swindled, forced or lured into prostitution (p.1). Traffickers using the means of force, deception, and luring of victims exploit, and capitalise on the vulnerable positions of victims. Victims of trafficking are subjected to physical, psychological and economic exploitation. They are levied into inflated debt bondage.

Further, trafficking for commercial sexual exploitation has been one of the flourishing and high revenue-generating enterprises. Scholars such as Elabor-Idemudia (2003), Farr (2005), Kara (2010), claims that with a minimal risk it is a high profit business. This has lured many organised, and loosely organised crime groups to engage in this business. The following flowchart shows a vivid process through which the crime of sex trafficking operates:



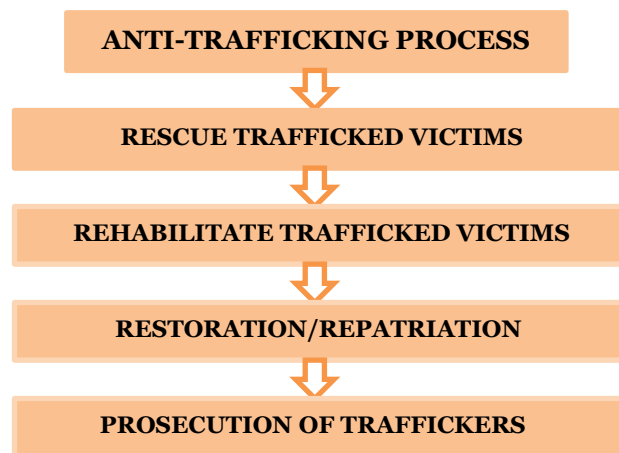
Further, the phenomenon of sex trafficking typically circumscribes around two main components- ‘dangerous traffickers’, and ‘innocent victims’. The massive anti-trafficking squad is laid to alleviate and address the phenomenon. The following would briefly discuss these two major components followed by a brief discussion of the anti-trafficking squad-

Dangerous Traffickers: Traffickers are people who manifest and breed the business of trafficking. They are the ones who initiate the process of human trafficking. The available literature on human trafficking argues that a majority of trafficked people know or are acquainted with their traffickers (Jeffreys, (2009), Hawthorne, (2004), Pande, (2006)). Therefore, it has been stated in studies that traffickers use and misuse the trust that is entrusted on them by the trafficked person. Traffickers may be close relatives, boyfriends, or any other individual who masquerades to have a wealthy life in the place of destinations. They conduct the business with a highly organised network of criminal groups.

Innocent Victims: “Kathleen Barry, one of the founders of the ‘Coalition Against Trafficking in Women’ argues” that those who occupy the lower class of economic development and are uneducated are the most vulnerable victims of trafficking in contemporary times (Barry, 1996, p.24). This class is non-industrial and within the feudal societies women from this class become a property of the upper class feudal men (Sharma, 2005, p.101). The component of innocence becomes an indispensable construct of the category of women. This is a mechanism to confirm that although women have been in ‘infernal spaces’, however she did not consent and was forcibly taken by a ‘dangerous trafficker’. This is an attempt to defy that those women and girls have not challenged the systems and forums that establish moral codes and conduct (Chuang, 2010, p.1664). Therefore, the construct of innocence of a victim is founded on the assumption that voluntary prostitution is based on false consciousness and the inability to recognise their oppression. The argument lies that prostitution by force or by choice involves human rights violation (Chuang, 2010, 1665). The present thesis does not conform to the patriarchal and patronising concept of the term victim. It recognises that to qualify as a victim of trafficking one does not necessarily need to identify the innocence and victimhood of a trafficked person.

The Anti-Trafficking Squad: The anti-trafficking squad constitutes of the government and non-government actors against human trafficking. They are instrumental in dealing with the phenomenon of human trafficking. They provide legal responses and take requisite actions against the problem of trafficking in persons. However, the most important aspect of trafficking is not, in fact, the mechanism by which an individual is traded, nor the essence of the work, but instead the consequences, which are instrumental in leaving a trafficked person with little or no choice to escape (Jana, et.al., 2001, p.70).

Therefore, the phenomenon is complicated and complex. It is operated by both organised and unorganised criminal networks. A multitude of research and documentation have been conducted in the area of sex trafficking. These researches are primarily restricted to the process of the phenomenon which is the causes, consequences, the areas under which sex trafficking is rampant. However, the present research is concentrated on the process of the phenomenon as well as the post-rescue situations of rescued trafficked victims. It along with the pre-rescue situation also delves into the post-rescue situation which could be vividly encapsulated in the following chart:



1.1. RATIONALE OF THE STUDY:

The geographic structuring of the states were determining factor of this study. They are closely interconnected (Das, 2020, p.2). Moreover, the trail to Silchar is through Meghalaya. Assam's red light zone is situated in Silchar. The area is known as "*Prem Patti*". The phrase was used since the colonial times. Furthermore, Assam interfaces East, West, Central, North, and South of India with North-East India. Any type of trafficking into the other Indian states must be routed through Assam (Das, 2020. p.2)

Moreover, because of the surreptitious nature of the problem and its sparse research in North East India, this research aims to delve into the two selected areas of the region. Additionally, the state lie in the periphery and are historically the neglected regions of the country. Also, the ongoing insights show increased rates of sex trafficking in the regions (Hindustan Times, 2016, para.4). The topographical and demographical factors have driven Assam and Meghalaya susceptible to the issue of sex trafficking (Das, 2020, p.2). Along with it are civil unrest, gender prejudices, socio-economical and natural calamities that have rendered the states susceptible to sex trafficking. “Henceforth, the foundations of the study stand on the complex socio-economic profile of the states and the higher occurrences of trafficking in girls and women in Assam and Meghalaya” (Das, 2020, p.2).

1.2. RESEARCH QUESTIONS:

- 1) What are the pre and post-rescue narratives of rescued trafficked victims in Assam and Meghalaya?
- 2) What are the narratives of sex trafficking by the members of civil society in Assam and Meghalaya?
- 3) Did rescue and rehabilitation secure the rights and interests of rescued trafficked victims in Assam and Meghalaya?
- 4) What are the causes and consequences of sex trafficking in Assam and Meghalaya?

1.3. OBJECTIVES:

- 1) To document and analyse the narratives of rescued trafficked victims in Assam and Meghalaya.
- 2) To analyse the narratives of the members of civil society in Assam and Meghalaya.

3) To find out whether rescue and rehabilitation secure the rights and interests of rescued trafficked victims in Assam and Meghalaya.

4) To find out the causes and consequences of sex trafficking in Assam and Meghalaya.

1.4. METHODOLOGY:

This section provides a detailed description of the methods, research approach and the feminist practice that shaped the methodology of the study. It presents the areas of study and discussed the data collection, sampling technique, and research design. Next, it states the number of participants obtained for the study, following which is a description of the techniques of data collection and the methods adopted for data analysis.

1.4.1. Areas of Study:

The research was undertaken in Assam and Meghalaya. The districts chosen for Assam comprised of Dibrugarh, Baksa, Kamrup, Nalbari, Namrup, Sivasagar, Sonitpur and Tinsukia (Das, 2020, p.3). The districts selected for Meghalaya were East Jaintia Hills, West Jaintia Hills, East Khasi Hills and West Khasi Hills.

1.4.2. Data Collection:

“To direct the current study the researcher used the feminist standpoint theory. The foundation of this research was based on both primary and secondary sources” (Das, 2020, p.2). Primary sources included a combination of interviews, participatory and non-participatory observations, informal discussions with the respondents and also a diary written by an NGO worker. Secondary sources included existing literature on human and sex trafficking, magazines, newspapers, and reports.

The researcher visited shelter homes in Assam, and drop-in-centres in Meghalaya. “In addition, numerous NGOs and police stations were visited in Assam and Meghalaya” (Das, 2020, p.6). As the church plays a significant role in the life of Meghalayan society, the researcher visited the Synod and Presbyterian Church. “This was done to get wider perspective of the stakeholders involved in the drive against human and sex trafficking. In order to select the field sites, the researcher consulted the online portal of the Ministry of Women and Child Development and also resorted to the snowball sampling method” (Das, 2020, p.3).

For data collection, the researcher worked in a shelter home for two months and “spent eight to ten hours working there every day” (Das, 2016, p. 79). She took part in a wide array of events. She accompanied the residents in their prayers, cooking, singing, and other home events, and ‘escorted’ them to various places (because the residents were not allowed to go out into the public space alone or with fellow residents). In fact, it was because of her insistence that residents were permitted to visit the state zoo, Sankardev Kalakshetra, and the trade fair (Das, 2016, 79). She had volunteered for twenty five days at the head office of NGO in Assam. The task of drafting proposals, arranging and coordinating workshops was delegated to her. Thereafter, for 10 days she was allowed to visit the shelter home of the organisation. The researcher had been allowed a day’s visit for the remaining four shelter homes.

1.4.3. Sampling Technique:

The research is founded on criterion, convenience and snowball sampling method. The participants were selected based on the criterion of trafficked victims and those associated with the anti-trafficking movement. Further, due to the sensitivity of the phenomenon, this study adopted convenience and snowball sampling methods.

1.4.4. Research Design:

The study is based on “narrative phenomenological approach” and “case study approach” (Adu, 2016, Das, 2020, p.3). The former blends two research approaches- the narrative approach and the phenomenological approach (Das, 2020, p.3). The narrative approach aims at gathering or capturing stories from respondents and the phenomenological approach reflects on respondents’ experiences and how they encapsulate those experiences (Adu, 2016, Das, 2020, p.3). Using multiple data sources the case study approach seeks to have an in-depth study of a case or phenomenon (Adu, 2016).

The study’s philosophical paradigm is based on “social constructivism paradigm” (Adu, 2016, Das, 2020, p.3). The ontology of this paradigm is based upon realities created by individual interactions and experiences (Das, 2020, p.3). According to this paradigm, there are several contextual perceptions that are collectively created by the respondent’s experience and biases. “Further, the epistemology of this paradigm is co-constructed through the close interaction between the researcher and the respondent” (Das, 2020, p.3). The axiological significance of beliefs and ideals has played a critical role in building the present study’s epistemology (Adu, 2016). The rationale for this research approach is in accordance with the feminist research methodology.

1.4.5. Number of Respondents:

A total of 173 respondents was collected for the study. 70 were rescued trafficked victims and 04 were residents of the studied shelter homes⁴. 19 respondents were from Non-Governmental Organisation, and 15 were “police personnel” (Das, 2020, p.4).

⁴ They were not trafficked victims but yet retained in the shelter homes meant for trafficked victims.

Additionally, the study found that Church has an crucial role in the social and economic build of the Meghalaya. The research has found that the Church has a significant role in consciousness-raising against sex trafficking. So, in tandem with this rationale, the research took in-depth interviews of “10 pastors” (Das, 2020, p.3). The researcher, likewise found that the Church Meghalaya has “drop-in-centres” (Das, 2020, p.3). These spaces were created to counsel sex workers, and for “the purpose of this study the researcher interviewed 07 sex workers in one of the drop-in-centres in Meghalaya” (Das, 2020, p.3)

Moreover, the researcher conducted interviews with 05 headmen of village councils (Dorbar) in Meghalaya⁵ (Das, 2020, p.3). To explore the state’s standpoint on sex trafficking this study also took responses from 03 politicians in Assam and Meghalaya (Das, 2020, p.3)

Besides, considering the complexity of the present study the research also included another 30 respondents to understand the already existing narrative of ‘*khupa dhora*’ (trafficker) in Assam and also to contemplate the position of women in the state. Further, since Assam has a history of labour migration the study also sought to understand and situate the context of sex trafficking with regard to the tea garden workers in Assam. In order to do so, the researcher took the narratives of 10 tea garden workers in Assam.

1.4.6. Techniques of Data Collection:

In the first phase, the researcher volunteered to work in a shelter home. A total of 38 respondents were interviewed. Out of which 30 were residents of the shelter home, 05 were members of the NGO, and 03 were police personnel.

⁵ This was an endeavour to get nuanced perception on sex trafficking in Meghalaya.

In the second phase, the researcher conducted in-depth interviews with 27 residents⁶ of the shelter home and 04 members of the organisation. Further, the researcher also conducted an *adda* (an informal discussion) with the residents wherein the researcher and the residents shared their life stories and had discussions on their experiences of violence, their desires, and life-decisions. It was then followed by a campaign on gender sensitisation in the shelter home. This campaign was attended by counsellors, members of Non-Governmental Organisation, and the residents of the shelter home.

The remaining four shelter homes in Assam had allowed a one day visit to the shelter homes in which 17 residents and 05 members of the NGOs were interviewed. The researcher visited two police stations wherein she interviewed 07 police personnel who gave their standpoints on sex trafficking in Assam and spoke about the functioning of anti-trafficking units (Das, 2020, p.3). Further, to understand the position of women, as well as the historic relevance, and the narrative of human trafficking in Assam the researcher collected interviews of 30 respondents. An interview guide was used for understanding the historic relevance of the phenomenon. This endeavour to take the narratives on the context of *khupa dhora* (trafficker) in Assam was the result of the Dokmoka mob lynching case of Nilotpal Das and Abhijeet Nath. Further, the researcher had “small scale interaction” with 10 tea garden workers in the Dibrugarh and Tinsukia districts of Assam.

The researcher had carried out a month of fieldwork in the districts of East and West Jaintia Hills, and East and West Khasi Hills in Meghalaya (Das, 2020, p.3). Owing to the unfamiliarity and inaccessibility of resources the researcher was aided by a Reverend who was a former MLA

⁶ Out of 27 residents, 04 were not trafficked victims, yet residents of the Ujjawala shelter homes; a rescue home typically meant for victims of sex trafficking.

of Meghalaya. His help gave a swift access to the field wherein she took “in-depth interviews” with 05 members of an organisation which is specifically concerned in dealing with the issue of domestic and international cases of human trafficking (Das, 2020, p.6). Also, in-depth interviews of 10 pastors from both Synod and Presbyterian Church were taken. Further, understanding the relevance of *Dorbar* (village council) in Meghalaya, the researcher collected the interviews of 05 headmen. This enabled the researcher to capture the standpoints, awareness and the understanding of the phenomenon at the grass-root level.

The researcher went to the police stations located in the selected districts of Meghalaya, where in 05 police personnel were interviewed (Das, 2020, p.6). In one of the drop-in-centres, the researcher took in-depth interviews of 07 sex workers. Also, to get the state’s perspective on sex trafficking the researcher conducted in-depth interviews of 03 politicians⁷.

The interviews ranged between 30 minutes to two and a half hours. A few interviews were recorded, and the researcher had to take field notes for others. The interviews were taken in Assamese, Bengali and Hindi language which were later transcribed into English.

Along with case study and life story method, the study adopted a “micro-qualitative method” which focused on “small-scale interactions” (as cited in Das, 2016, p.79). “This method seeks to go beyond the established discourse (life-saving mechanism for trafficked victims) on rescue and rehabilitation and examines interactions at a micro level to understand whether the rescue home secures the rights and interests of the victims” (Das, 2016, p.79). The rationale of using the case study method was to collect an in-depth and detailed narrative of experiences and standpoints on sex trafficking by the respondents in Assam and Meghalaya (CIRT, n.d., para.1). Further, since the study adopted a ‘narrative approach’, thereby the research made use of the life story method

⁷ Out of 3 politicians, 01 was from Assam and 02 were from Meghalaya.

(Etherington, 2009, p.225). Through the stories that respondents narrated about their lived realities and the meanings they gave to their experiences helped to create and co-construct the epistemology of the present study (Etherington, 2009, p.225). Further, the diary that the researcher procured as a primary text was translated from Assamese to English. The diary was written by an NGO worker involved in addressing the problem of sex trafficking.

The aforementioned approaches are grounded on the philosophy of “feminist standpoint theory” which is an epistemology, a theory and a method of undertaking a feminist study (Hawkesworth, 1999, p.136, Das, 2020, p.5). Consequently, the basic point of this study is to record and examine quieted voices in the fringe of the society. The justification of espousing the theory is to amass “multiple standpoints” and in this course collect the multiple pre and post-rescue chronicles of rescued trafficked victims. It also aims to listen to the standpoints of the members of the civil society (Hawkesworth, 1999, p.136, Das, 2020, p.5). Eventually, the application of this method sets an appropriate stage to grapple and comprehend the occurrence of sex trafficking in Assam and Meghalaya.

1.4.7. Data Analysis

The data is processed first with the vivo coding and narrative coding method. The vivo coding method uses the participants own words (Saldana, 2013, p.92). The narrative coding method codes the stories of participants which includes their interaction with others and retell them (Saldana, 2013, p.133). The vivo coding and narrative coding methods are followed by the content analysis method. The method applied the open coding and axial coding method. The open coding method opened the inquiry widely and analysed the data minutely, and the axial coding method identified the axis that repeatedly occurred and marked the important axis (Das, 2011, p.6).

1.5. LITERATURE REVIEW:

The following is a discussion and analyses of the multiple debates and arguments encircling sex and human trafficking. It states and analyses the dimensions of the phenomenon of human and sex trafficking. It critically delves into the following aspects of the phenomenon-

1.5.1. The Recruitment Methods:

The common recruitment methods are- luring in the names of jobs, better livelihood security, political stability, economic security, lucrative work in the sex industry, educational opportunities and false promises of love and marriages. Further, by virtue of the subjugated and marginalised status of women and girls traffickers seek to target their social, political, cultural, and economic vulnerabilities. George, et.al. (2010) argues that in the guise of false employment or marriage, or by enticing family members of victims with money and other benefits, traffickers trap women into sex trade (p.70). Thereby, the primary trapdoors and nets for vulnerable victims are false promises of jobs, better livelihood opportunities, false promises of marriage and love. For instance- Lucita was trafficked to Los Angeles. Lucita was told that it would entail entertaining men, and the income was too good. Nonetheless, she and the other girls were deceived and locked in a house and coerced to have sex with other men (Kara, 2010, p.185).

Further, in India, the first ever records on trafficking were made in the year 1928 by Bombay Vigilance Association (Tambe, 2009, p.74). Out of 54 trafficked women, it was found that four were trafficked with false promises of marriage, eleven with false promises of employment, thirteen were either seduced or kidnapped and the rest were dedicated by parents to the temples or became prostitutes by caste (Tambe, 2009, p.74). Therefore, historically till the present, the promises of jobs and employment have continued to be the recruitment method used by the traffickers to trap vulnerable girls, women and children.

1.5.2. Structural, Societal, and Cultural Foundations:

Human trafficking is inextricably related to several structural, societal and cultural factors. It has varied operational foundations which interplay to materialise the process of trafficking. A multitude of overt and covert foundations exists to facilitate the phenomenon. The primary foundations are outlined to be absolute poverty, relative poverty, deprivation, unemployment, social, cultural, and economic discriminations against the subjugated class, caste, race, gender and other such intersectional classifications, power hierarchy, illiteracy and lack of education, uninformed use of websites, marginalised status of women, uninformed migration, abuse within and outside the family, prejudices against the girl child, urbanisation, purchasing power of customers, globalisation, corrupted authorities, the flawed legal system, demand for cheap labour, conflict, political turmoil, flood, ignorance, demand for cheap labour, restrictive immigration policies, lack of secure migration, viable jobs, gender imbalances, better urban life forces women to trust traffickers (Martens and Jette, 2011, p.10, Samarasinghe & Burton, 2007, p.52, Tambe, 2009, p.130). Further, Crawford and Kaufman (2008) stresses the lack of livelihood opportunities and the existing power imbalances that make key causes for trafficking in women and children (p.905). Similarly, Jana, et.al. (2001) states that the root cause of trafficking is disparity between classes, genders and nations (p.69). Sen & Nair (2005) hold poverty to be the cause over which lays the other causes of sex trafficking (p.7).

Further, responses to the causes of sex trafficking were received in “Beijing Platform of Action (1995), the Vienna Declaration and Programme of Action of the World Conference on Human Rights (1993)” (Lansink, 2006, p.47). The “Beijing Platform of Action” appeals governments to tackle the key causes that boost trafficking “and other types of commercialised sex, forced marriage and forced labor trafficking” (Lansink, 2006, p.47). Likewise, the Vienna Declaration

stresses the need to obliterate the problem through international alliance in economic and social growth (Lansink, 2006, p.47).

However, Radhika Coomaraswamy the former “Rapporteur on Violence against Women” argued that lack of rights of women is one of the primary causes of trafficking (Lansink, 2006, p.46). General Recommendation No 19 stresses that predominant traditional activities fortify social generalisations that see women subordinate to her counterpart. It links poverty and unemployment to increased vulnerability to trafficking for forced prostitution, domestic labour and organised marriages. Lansink (2006) argues that due to the marginalised position of prostitutes in society, they are especially vulnerable to violence (p.48).

Therefore, women’s bodies as a site of control and authority have been a means of exerting and institutionalising patriarchal dominance. Controlling women’s sexuality and avoiding miscegenation has been the locus of an androcentric society. The binary oppositions to this society have been the profession of sex work. The society at large conceived it as a moral responsibility to protect all ‘innocent women’ from the notorious business of promiscuity. Stigma, shame and social ostracisation as effective patriarchal instruments are glued to the profession which henceforth pushes it to operate underground. The underground operation of sex work has been one of the primary reasons of the flourishing business of sex trafficking (Samarasinghe and Burton, 2007, p. 51). Several scholars, such as Crawford, Kaufman and Gurung (2007), Silverman et.al., (2007), George, et.al. (2010) and others argue that along with poverty, prejudices against women assume a significant part in making them powerless and prone to the crime of trafficking. Similarly Brown (2000) accede that the people who suffer the world’s grossest types of commercial sexual exploitation are those who are at the

bottom of many distinct, very intricate forms of hierarchies. They are girls and women from poor families and communities and belong to racially and ethnically despised minorities (p.3).

Therefore acute gender imbalances and hierarchical organisation of gender are one of the main foundations of sex trafficking. Women are characterised by the relative powerlessness and the lack of autonomy which has resulted in making them the world's poorest population, and eventually leading to feminisation of poverty. Thereby on the ground level the social factor that has stimulated the 'marginalised status of women in society' has a strong impetus on the political and economic status of women. The social status of women pulls them down in all sectors and is one of the major foundations for women constituting a disproportionate percentage of the world's poor, which have led to their exploitation in different forms in the social, political and economic milieu (UN Women, 2000, para. 5).

The present thesis considers feminisation of poverty and the marginalised status of women, the changing nature of patriarchy and domination of women to be the foundational causes of sex trafficking. Therefore though available literature on trafficking state a multitude of factors however the present study would seek to argue that these factors are an effect of the marginalised and the secondary status quo of women. Therefore, the context of patriarchy and gendered socialisation is the foundation of trafficking. Henceforth, human and sex trafficking, is the byproduct of the existing social, political, economic and cultural inequality.

1.5.3. Violence Perpetrated to Trafficked Women and Girls:

Victims of trafficking for commercial sexual exploitation are subjected to extreme forms of human rights violations – rape, genital burning, physical and psychological violence, loss of liberty, freedom, forced labour, unwanted pregnancy and sexually transmitted diseases, unlawful confinement, threats against their family (Martens and Jette, 2011, p.10). Physical as well as

mental violence is inevitable in sex trafficking. This is revealed by various scholars working in the field of sex trafficking (Aengst (2001), Brown (2000), Crawford and Kaufman (2008), Farr (2005), Sen & Nair (2005), Silverman et.al. (2007)).

Kara's (2010) research shows that victims are subjected to various forms of breaking-in violence (p.71). Violence on victims aggravates on occasions of denial to perform the enforced labour. This violence could range from denying victims the basic minimum needs of survival and rendering them vulnerable to physical, sexual and psychological abuse.

Further, victims of sex trafficking undergo economic exploitation. This argument is drawn from the various literature on sex trafficking which found that victims of trafficking are often unpaid or underpaid. Farr (2005) argues that victims of trafficking are forced to render sexual services to a large number of customers (35). The number of customers could range from 20 to 30 a day. However, traffickers are not the sole perpetrators of violence against trafficked girls and women. The State and the society at large could be argued as the two major agents of violence against trafficked girls and women. The xenophobic States through its stringent immigration policies have restricted the legal channels of migration which henceforth had subjected women to being trafficked for purposes other than commercial sexual exploitation. Further, the moral panic that the state and society had created had led to the restricted mobility of women. A vivid example of it is the Nepal borders where women are not allowed to travel alone. Crawford (2010) found that woman willing to cross borders in Nepal has to be accompanied by a male member who had to be proved to be a legitimate relative of the woman. Therefore, the State though officially stands against the violence caused by traffickers, yet a closer understanding and analysis of its mechanisms reveals that it helps as a facilitator of such violence. Further, the state often resorts to the criminalisation of women in prostitution (Tambe, 2009, p.xviii). Thereafter, the society

through its discriminatory practices against women also serves as a fertile ground for making women vulnerable to violence (UN Women, 2000).

1.5.4. Trafficking and Human Rights Violation:

Human trafficking is labelled as the severe and extreme forms of human rights violations. Further, trafficking for saleable sexual abuse is amongst its nastiest forms, rescinding the lives of thousands of women and children. Girls and women caught in the various socio-cultural and economic vulnerabilities are exposed to the risk of sex trafficking, which thereby shoves them to eliminate the last remnants of choice, disrupt their human dignity and security. Therefore, sex trafficking has been notified as a significant international problem and a serious means of human rights violations (Kim, Yun, Park & Williams, 2009, p. 166).

One of the major tools to control and regulate victims of trafficking is the use of extreme physical and psychological torture. Further, one of the main human rights abuses of victims of trafficking is the curtailment of free mobility (Brown (2000), Crawford (2010), Kim, et.al. 2009, and Kara (2010),). Scholars (Brown (2000), and Crawford (2010), and Kara (2010),) have reported various testimonies that reveal many instances of physical and mental violence, leading to desecration of victim's human rights. In Thai sex establishments, it is usual to burn teenagers (denying to work as sex workers) until death (Brown 2000: 19). Further many instances report of children who die of internal damages caused by sale to an adult man (Brown 2000: 19). Hence, victims of trafficking undergo an extreme form of cruelty and violence and therefore become isolated, losing confidence, deprived of agency, subject to space restrictions, violence or the threat of violence and becomes detached from family and social ties (ADB, 2003: 8, Farr 2005: 37, and Kim, et.al. 2009: 155). Therefore, the fundamental form of violence that victims of trafficking undergo is human rights violations.

1.5.5. Destination, Source and Transit Sites:

The regions that traffickers denote as source countries are - those with poor per capita income, or affected with natural calamities, or are conflict zone regions. The determining factor is a disadvantageous situation of a region during which potential victims become susceptible to sex trafficking. The destination places are the wealthy regions which could offer better livelihood opportunities. Samarasinghe & Burton (2007) argue that regional flows of victims occur from poorer to wealthy countries (p.52). The transit sites are the regions that act as the mid-site between destination and source countries. However, Samarasinghe & Burton (2007) argue that since human trafficking is globally a criminal offence, countries across the world are connected into an intricate web (p.52). Japan is the largest market for human trafficking. South Asia is the second most wellsprings of victims, and India and Pakistan are both key destination sites for victims from Nepal and Bangladesh (Samarasinghe & Burton, 2007, p. 52).

1.5.6. Magnitude of Sex Trafficking:

The commodity in sex trafficking are the bodies of girls, women, and children. Research suggests that girls, women, and children are neither high in capital costs nor is a perishable good. The demand and supply of girls, women, and children are conducted on a large scale. The business of sex trafficking is a high-end profit earning industry. In recent years there has been an alarming rate in trafficking for sexual exploitation. Farr (2005) argues that the sex trafficking industry is huge and rising at a far-accelerating pace (p.3).

However, owing to the surreptitious nature of the crime, the exact statistics on the number of victims captured and trafficked are difficult to estimate. There exists a great variation in the number of victims trafficked for saleable sexual abuse. About “600,000 and 800,000 people” are estimated to be trafficked through foreign boundaries each year (as cited in Samarsinghe &

Burton, 2007, p.52). Department of State (2006) makes the same estimation (as cited in Lansink, 2006, p. 46). However, the estimates of women and minors differ as that of the International Labour Organisation (as cited in Samarasinghe and Burton, 2007, p.52). Martens and Jette (2011) in their report on “Counter Trafficking and Assistance to Vulnerable Migrants: Annual Report of Activities 2011” found that since 2001 9 million people were the victims of trafficking (p.10). Therefore, due to the complex and clandestine nature of the crime, there is no accurate estimation of the number of trafficked persons (as cited in Lansink, 2006, p.46). Hence, the quantification of the crime is difficult and only rough estimation could be made. The profit incurred by this massive criminal business is immense. Anwary (2007) posits that it is a multi-billion dollar industry (Anwary, 2007, p.111). Trafficking for “sexual exploitation generates US\$31 billion” (as cited in Samarasinghe and Burton, 2007, p.52).

1.5.7. Sex Trafficking and its Association with Venereal Diseases:

Research on victims of sex trafficking has found that their bodies stand vulnerable to various contagious diseases. The diseases that their bodies become vulnerable to are- syphilis, chancroid, gonorrhea, donovanosis, and venereal warts, urinary tract infections, hepatitis, tuberculosis and HIV/AIDS and other communicable diseases (Huda, 2006, p.378, Human Rights Watch/Asia, 1995, 66). Scholars exploring the issue of sex trafficking argue that the victims of trafficking are often forced to perform sexual services without the aid of condoms (Huda (2006), Sen & Nair (2005)) Huda (2006) puts forth that targets are compelled to undergo intercourse with multiple partners and in the process endure physical damages and sexual cruelty, which increases their vulnerabilities to sexually transmitted diseases (p.378). Therefore, the reasons for public outcry against sex trafficking is its connection with this spread of venereal diseases. Further, Tambe (2009) in her book “Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay”

argued that the bodies of sex workers are held to be contagious diseases transmitting bodies (p.55). This conception of sex workers has seen its reflections within the discourse of sex trafficking. Thereby, the covert aims of the anti-trafficking movement were to control the spread of venereal diseases (George, et.al. 2010, p.72).

Therefore, the state kept sex trafficking and prostitution on its radar since it is considered to be one of the major reasons for the spread of the epidemic of HIV/AIDS. Preclusion of sex trafficking among women has gained a new urgency. This is because the epicenters of this pandemic disease are conceived to be the brothels and the sexual services exchange sites such as massage parlours. A BBC coverage on AIDS in India and “a South African newspaper” described Kamathipura as “the fleshy centre of India’s HIV time-bomb” (Tambe, 2009, p.viii). Therefore, one of the motives behind the increased attention to sex trafficking has been to regulate the spread of venereal disease. With the epidemic of HIV/AIDS, this attention to sex trafficking took an enormous shape. The epicenters of this pandemic disease are conceived to be the brothels and the sexual services exchange sites such as massage parlours.

Thereby, since sex workers were considered carriers of the diseases the HIV/AIDS prevention campaign has subjected them under surveillance (Tambe, 2009, p.127). Therefore the body of the prostitute and trafficked victims in the present context are perceived to be the agents of venereal diseases. However, the state sponsored approach to the bodies of prostitutes and victims of trafficking as carriers of disease and customers as vulnerable bodies undermines the aim to control the spread of venereal diseases (Tambe, 2009, p.51).

1.5.8. Sex trafficking and Migration: The Causal Link:

Sex trafficking and migration are often enunciated to be closely connected. Although the rhetoric to the occurrence of the crime of sex trafficking is essentially considered to be the phenomenon

of migration, however, the present thesis departs from this argument and argues that sex trafficking exists because of the structures of patriarchy and domination.

Today the rate of migration has tremendously increased. Amongst the multiple reasons for migration is the increased movement of people in search of peace and better livelihood opportunities. However, traditionally, due to the unbending gendered norms women were often restrained from migrating and seeking for new avenues.

Nonetheless, there were radical changes in the labour market and a realignment of social and cultural relations. Sharma (2005) argues that this realignment has led to the breaking of traditional confinement of women within the private spaces and opening economic alternatives for women (p.105). The Durbar Mahila and Samanwaya Committee views migration as a development which provides an opportunity to question current gender and class inequality (Sharma, 2005, p.105). Nonetheless, the current political systems, coupled with extremely strict anti-immigration laws, make migration difficult and dangerous, especially for poor and marginalised. Therefore, one of the challenges in migration is the stringent anti-immigration laws that had laid the ground for irregular migration. Martens and Jette (2011) argue that stringent anti-immigration laws have led to the vulnerability of exploitations and abuse by the networks that facilitate illegal migration (p.10).

Given this, the state seeks to connect migration and sex trafficking into an intricate network. The broader agenda of the states is to address international security (Sharma, 2005, p.88). The national security agenda constructs the figure of a “dangerous foreigner” that seeks to disrupt the integrity of the nation-states. Sharma (2005) states that it has, therefore, become urgent for the states to protect the “us” from the “dangerous other” (p.88). To secure the covert agenda of

international security the states constructs migration as the cause for increased human trafficking and sex trafficking of people around the world.

However, the current research would argue that migration cannot be regarded as the basis of sex trafficking, but fundamental explanation is the ongoing constraints on labour mobility and irregular migration which has exposed potential victims to human and sex trafficking networks (Lansink, 2006, p.45). Therefore, till the current mechanisms of economic globalisation privileges the movement of financial capital while restricting the movement of labour; trafficking in persons would continue to exist (Sharma, 2005).

The opting of illegal migration by women suspects them to more acute forms of exploitation and makes them potential victims of coerced sexual trades and networks. Similarly, Samarasinghe and Burton (2007) argue that in the absence of safe and legal migration women who seek to escape the various vulnerabilities in their own nation-states become undocumented migrants with no legal rights (p.51).

The most significant component of human trafficking is force or coercion, and deception. Thereby, trafficking either involves forceful movement or movement which is managed with deception and false promises to victims. Successful capturing of victims subjects them to slavery like practices. However, migration cannot be linked or associated with human trafficking as migration entails the voluntary movement of people. The crucial component that marks trafficking distinct from exodus is power, coercion, deceit, fraud, and abuse (Wang, 2005, p.6). However, on reaching the destination they might be forced into bonded or sexual slavery. Nonetheless, migration could not be deemed as the causal factor in human trafficking.

Further, the migration of women involves agency and decision making ability of women. It is an opportunity that has long been denied to women. Although traditionally women had been doing

marriage migration, however, economic migration was negligible amongst women. Since migration gave women a sense of empowerment and agency, therefore, the xenophobic, patriarchal states portrayed migration as a cause of women's exploitation. This thereof became easily acceptable to the abolitionist and regressive anti-trafficking society to incorporate and make a part of the larger discourse of human trafficking.

The anti-trafficking movement did not see the migration of women as an act of agency. The movement subsumed it to an act of force. This was done due to the gendered assumption that women can never choose to move outside of the private spaces. It sees women as mere victims who are forced or duped into migration (Sharma, 2005, p.89). Therefore, based on the constrained choice and agency the link between migration and sex trafficking was determined. This henceforth challenged the feminist ideology of agency and choice.

1.5.9. Smuggling and Sex Trafficking: The Conflation:

The above section discussed that migration have increased and is the highest in human history. However, the International Labour Office (2002) state that due to the austere immigration rules people who use migration as their survival strategy today cannot travel without the assistance of smuggler (International Labor Office 2002, 2)" (as cited in Sharma, 2005, p.91). Sharma (2005) argues that without the assistance of smugglers today it is virtually impossible for people to migrate across borders (p.91). The smugglers forge necessary identity papers for the migrants. Although clandestine migration involves some form of deception, however, research and evidence suggest that migrants do not always face coercion or abuse in their journeys (Sharma, 2005, p.91).

However, as a consequence of the above, smuggling and sex trafficking are often linked and intersected with each other. This lays it important to underscore the meaning of trafficking and

smuggling. At the one hand, trafficking is the non-consensual movement of people which is conducted by coercion, or force or deceit. The elemental purpose is to exploit the labour and services of the trafficked person; while on the other hand, smuggling is the consensual movement of the migrants. Gallagher (2001) argues that the connection between the smuggled and the smuggler culminates with the arrival of their destination (p.1000). Further studies have shown that the majority of smuggling cases are handled without violence and coercion (Sharma, 2013, p.94).

Also, critiques have noted a gendered tagging of migrants. While women are typically treated as trafficked victims, men are treated as smuggled. Therefore, this again reiterates the dismissal of women's agency and decision making ability to move and migrate across borders (Lansink, 2006, p.47). Thus, based on the above articulations the linkage between sex trafficking and smuggling is argued to be done with political and patriarchal interest and hence, is an unjustified and unreasonable linkage.

1.5.10. Sex Work or Prostitution and Sex Trafficking: The Conflation:

The conflation of voluntary sex work and prostitution and sex trafficking universalises all women and masks the differences between sex workers (Cavalieri, 2011, p.1426). The rationale behind the conflation is deeply rooted in the early conceptualisation of prostitution or sex work. Kathleen Barry (1995) who was strongly associated with the US-based Coalition against Trafficking of Women propounded and made prostitution analogous with women's exploitation and victimisation. They argued that irrespective of sex worker's consent or non-consent it is an abuse of rights and dignity. In this regard since the body of a prostitute or sex worker defies monogamy of women's sexuality they are considered to be segregated and excluded from society.

As a response to the above and as an attempt to curb prostitution, sex trafficking became an effective tool to cleanse the society from the vice of prostitution. This led to the nullifying of bifurcation between forced and free prostitution. Henceforth, its sole articulation is that it is a form of sexual slavery. This conflated conceptualisation has a deeper impact on NGOs and governments (Weeks, 2011, p. 215).

Consequences of conflation between sex work and trafficking have often resulted in limiting women's mobility and constructing voluntary sex workers as 'criminal figures'. Further, under the umbrella of sex trafficking, many voluntary migrant sex workers were deported to their home country which may have been the major reason for their migration. Doezenia (2002) argues that they probably had tried to flee from conflict, terrorism, natural calamity and others (p.25). Doezenia (2002) thereby states that the conflation between sex trafficking and prostitution has had repressive consequences (p.25). It has led to a moral crusade against women's agency and "the right to control their own bodies" (as cited in Renzetti, 2015, p.137). However, Doezenia (2002) states of a new framework which argues that sex workers should be treated as genuine workers of the society (p.25). Doezenia (2002) expects the new framework to be a break from the repressive paradigm that frequently associates it with sex-trafficking (p.25).

1.5.11. Legalisation or Decriminalisation:

The argument circumscribing legalisation is grounded on viewing sex work as a labour. The school of legalisation sought for licensing the profession of sex work. Licensing of prostitution constitute including sex work as formal work, and brothels to be considered as a workplace wherein undomesticated sexual services are provided to customers. Nonetheless, Tambe (2009) provides a counter-narrative to brothels as workspace. She debates on whether brothels could be an extension of family nexus which is characterised by the elements of domination and

obligation (Tambe 2009, p.128). The argument of licensing rests on the principle of respect for sex workers as legitimate citizens, whose rights and interests ought to be secured as active individuals of the society (Wojcicki, 1999, p.102).

The National Network of Sex Workers, Durbar Mahila Samanwaya Committee and Veshya Anyay Mukti Parishad (VAMP) demanded to license sex work. They argue that licensing of sex workers would not only guarantee the rights of sex workers but would also enable the state to address the problem of human trafficking. However, historically the politics of legalising sex work was to protect the citizens from venereal diseases and to monitor the bodies of sex workers (Tambe, 2009, p.xi).

The decriminalisation movement has attempted to build sex work into the formal paradigm of work. Wojcicki (1999) argues that sex workers deserve equal citizenship rights (p.102). The campaign of decriminalisation is argued by many feminists and human rights groups that it would ensure better working conditions of sex workers and reduce the hold of brothel keepers (Tambe, 2009, p.128). Thereby, demand for decriminalisation has been motivated by the need to free prostitutes from social stigmatisation and to establish their dignity, identity, and recognition before the law. Tambe (2009) state that the strong campaign to decriminalise sex workers was understandably driven by the desire to erode their stigma, invest their identities with greater integrity and respect under the law, and ensure better health services (p. xviii).

1.5.12. Abolitionist and Regulationist School of Thought:

The concept of consent/non-consent has been the central parameters of debates and arguments between abolitionist and regulationist school of thought. The former negates all forms of consent involved in sex work, while the latter demands to consider the consent of voluntary sex workers. Thereby, the philosophies of abolitionist and regulationist school of thought revolve around

consent and non-consent. There is a sharp chasm between the ideological framework of both abolitionist and regulationist school of thought.

The term abolitionists are used in the framework of “prostitution-reform” debates (Chuang, 2010, p.1655). They are the advocates who seek to abolish prostitution (Chuang, 2010, p.1655). Cavalieri (2011) argues that the abolitionists school of thought does not conceptualise sex work as work. They negate the idea of consent to trade sexual labour (p.1415).

According to them, it is mental, spiritual and physical exploitation of a woman’s body. It is extremely exploitative and dangerous and hence cannot be considered as analogous to all other forms of formal or informal work. Therefore, Weeks (2011) states that - “Abolitionism, originally concerned with abolishing the international white slave trade, has increasingly become concerned with eliminating prostitution, overlapping with new forms of prohibitionism that seeks to cut off the supply and the demand” (p.140).

The key actors in creating the abolitionists discourse are Coalition Against Trafficking in Women (CATW) and Equality Now, neo conservative Michael Horowitz of the Hudson Institute and evangelical leader Chuck Colson (Chuang, 2010, p. 1664). The abolitionist is committed to humanitarianism and conservative view on sexuality. They did not distinguish between involuntary and voluntary prostitution. Both forms of prostitution were considered to be coerced. They conceive prostitution as a site of male predominance which is devoid of meaningful choice and consent (Chuang, 2010, p. 1664). Abolitionists aim to remove prostitution from public sight (Tambe, 2009, p. 101). Abolitionists had a reductionist approach to trafficking. Chaung (2010) argues that the abolitionist school of thought deploys a narrative of trafficking which involves girls and women who are forced into sexual slavery by social deviants (p.1658).

Kathleen Barry an avid abolitionist characterises all sexual labour as rape. By doing so she does away with the concept of consent of women in commercial sexual activity and henceforth considers all forms of commercial sex as an act of sex trafficking (as cited in Cavalieri, 2011, p.1431). However, the regulationist or the liberal feminist political model to sex work recognises the autonomy to engage in sexual labour. Historically, the regulationists school of thought evolved as a mechanism to save women and men from venereal diseases. Using scientific rationality ‘regulationist’ argue that state enforcement was the best way to manage venereal diseases (as cited in Doezema, 2002, p. 22, Rodriguez, 2011, p.81). They rationalised on the argument that good girls and women could be saved from immoral and bad women (Doezema, 2002, p.22). However, Lansink (2006) argue that the post-modern regulationist school of thought is based on the recognition of women’s agency to make choices in life (p.51). Therefore, according to the regulationist school of thought coercion is an indispensable element of sex trafficking (Doezema, 2002, p.20). It places women’s sexual autonomy at the centre and argues that negating the dynamics of consensual sex work is anti-feminists and a threat to women’s sexual autonomy (Doezema, 2002, p.21).

Two organisations are argued to be within the frameworks of abolitionist and regulationist schools of thought. “Coalition against Trafficking in Women (CATW)” is an abolitionist organisation, while and “Global Alliance against Trafficking in Women (GAATW)” is a regulationist school of thought (Sharma, 2013, p.90). Both the organisations lobbied during the formulation of the definition of human trafficking. To effectively address the problem of human trafficking CATW lobbied to nullify the binary of consensual and non-consensual sex work, while GAATW argued that it was imperative to consider the binary.

1.5.13. Women's Movement against Sex Trafficking:

The beginning of women's struggle against sex trafficking commenced with the demand to strike off the system of prostitution. Thereby, the early women's movement was a part of the abolitionist movement. Feminists abolitionists uphold women as sexually passive beings. This made women more righteous than men. However, once the virtue is lost with 'illicit' sexual behaviour women's sexual nature is thought to become dangerous. This urges the necessity to safeguard women from being adulterated (Doezema, 2002, p. 22). The women's abolitionist groups upheld that within the system of prostitution women are reduced as objects of sexual desire. Therefore, the initial response against sex trafficking was from radical abolitionist feminists. Mackinnon posits that if prostitution is a willful choice, then why women with the least choices frequently do it? (as cited in Lansink, 2006, p.51).

The women's abolitionist groups derived from the theorisation of the concept of domination, based on which they conceptualised that prostitution and sex trafficking are intricately linked. This conceptualisation of sex trafficking was drawn from the radical feminist view on prostitution. It was conceived as an institution that succumbs to male coercion and male sexual needs. It is an epitome of female sexual servitude. It is a category that exclusively addresses the virile sexual desire of men (as cited in Tambe, 2009, p. xv).

In the socialist feminist view prostitution takes away women's sexual selves. Socialist feminist conceptualised prostitution as pink-collar occupations which are done more by economically and needy women. However, liberal feminism claims that prostitution should be equally valued and be practiced without harassment. According to poststructuralist feminist sex has multiple meanings and in relationship to the self, it is indeterminate and multivalent. If sex work is delinked with its association with selfhood and merely viewed in terms of performance then sex

work results in as a foundation of agency, which is contingent on the role that sex work exert over transactions.

Further sex radical argues that sex work can question the very roots of female passivity and submissiveness (Tambe, 2009, p.xiii). “Sex workers can, through their ability to set the terms of the exchange, invert male dominance, exchange sexual exploration, and, through a sense of their erotic autonomy subvert the heteronormative sexual order” (Tambe xiv). Therefore, the theories of domination led to the constriction of prostitution as invariably a form of sex trafficking. The efforts of the abolitionist feminists group led to the regulation of prostitution with the implementation of the Contagious Diseases Acts. Radical abolitionist feminists such as Josephine Butler argued that prostitution is the outcome of men’s unbridled lust (Doezema, 2002, p.22). Josephine Butler and other radical feminists made all prostitutes as victims of patriarchy, domination and man’s uncontrolled sexuality. Henceforth, by doing so she challenged the rationale of choice and agency of regulationists school of thought (Doezema, 2002, p.22). Further, Barry argues that women do not have a right to prostitute themselves. Further, there cannot be meaningful consent to prostitute oneself (Weeks, 2011, p.139). Henceforth, the consciousness that struck the women’s movement was primarily against prostitution which was then subsumed under the conflated terminologies of prostitution and sex trafficking.

Therefore the early first-wave and second-wave feminists were in alliance with the social purity campaigners. The main concern remained to protect ‘fallen women’ from the vice of prostitution. Radical feminists and polemicists such as Kathleen Barry prostitution were articulated as an intrinsic attack on the self-worth of women (Weeks, 2011, p.139). It is product of men’s sexual violence that’s has taken a vicious form in the shape of human trafficking (Weeks, 2011, p.139).

Indian women's movement against sex trafficking did not depart from the abolitionist ideology. The impact of which led to the abolition of the Devadasi system or temple dancing girls (Tambe, 2009, p. 104). It rose with the demand of the middle-class women's movement to abolish the system of Devadasis as they conceived it to be a form of prostitution. They reasoned it on the temple dancers being engaged in offering sexual services to male patrons and prohibited to get married (Tambe, 2009, p.104). Therefore, early women's association such as the Women's India Association (WIA) of 1917, "All India Women's Conference (AIWC)" of 1926, "and the National Council of Women in India (NCWI)" of 1925 promoted legislation against the Devadasi system (Tambe, 2009, p. 104). The *Stri Dharma* a journal of WIA that regularly published against the Devadasi system often associating it with prostitution (as cited in Tambe, 2009, p.104). The Women's Movement led legislation against the Devadasi system and stated that "preventing the dedication of innocent girls to temple service, and [encouraging] their marriages" (as cited in Tambe, 2009, p.104). The repercussion of the legislation against Devadasi denied them claims of temple property as well as inheritance rights. The first strike on the Devadasi system as being stated here was due to the Devadasis resisting marriages (Tambe, 2009, p.105).

Thereby, the Indian women's movement and the nationalist had a paradoxical approach to prostitution. On the one hand, they pitied the prostitutes of having been robbed of their chastity and honor and the other hand considered them to the thieves of the moral purity of the society. This has led the early Indian Women's movement to have a wider abolitionist approach (Tambe, 2009, p.107).

However, the abolitionist struggle of radical women's movement is challenged by the postmodernist feminists. They have critiqued the modernist explanation of dominance and

victimisation (Lansink, 2006, p.51). Thereby the defenders of sexual rights see a sharp distinction between child forced into prostitution and women who make choice to enter the sex trade (Weeks, 2011, p.216).

The counter narrative by the regulationist feminists groups demanded of a change in terminology of prostitution. They stated that the term prostitution should be replaced by 'sex work'. This conscious attempt to alter the terminology of women's voluntary engagement in the sex industry implied a rejection of the traditional ostracisation and shame associated with the profession. It rejected the understanding of victimhood that the radical abolitionists feminist ascribed to the women's into prostitution. Organisations such as Prostitutes rights group, such as the "English Collective of Prostitutes in the UK" and "COYOTE (Call Off Your Old Tired Ethics)" in the US, "International Committee for Prostitutes' Rights" with the first world meeting held in Washington in 1975 fought for women's rights in sex work. They demanded for the decriminalisation of women involved in sex work (Weeks, 2011, p. 139).

However, one basic critique of the liberal school of thought is that it overlooks the endemic and perpetual exploitation of women working in the flesh trade. It overlooks the complex patterns of coercion of women entering sex work (Cavalieri, 2011, p.1440-44). Another critique of the liberal schools of thought is the argument of free choice in a world of advanced capitalism which is characterised by deep economic and social inequalities. An economy that widens the chasm between rich and poor and continues a capitalist subordination of women and children. Therefore, choices are confined and limited to a set of alternatives that are not at the disposal of many poor and underprivileged women (Weeks, 2011, 140).

1.5.14. Brothels- The Recruiting Spaces:

Historically, keeping brothels was not considered a crime, because it served to regulate the bodies of the prostitute. Brothels are sanctioned sites for conducting commercial sexual exchanges. In 1812 brothels were considered to be spaces that created a nuisance in public peace (Tambe, 2009, p.27). Brothels were sites that disciplined and regulated the bodies of prostitutes. During the implementation of the Contagious Diseases Act brothel keeping became an orderly institution through which the state could monitor the bodies of prostitutes (Tambe, 2009, p.43).

Brothels were colonially institutionalised by the state to avoid miscegenation. However, this is paradoxical since brothels in Britain were banned in 1885, whereas brothels in India received State support. British considered it necessary for the recreation of British servicemen and sailors. In colonial India, the functioning of the brothels was regulated by the State. Pimps were appointed by the State to direct sailors to state regulated brothels. Further the British though administered the brothels, yet it ensured that the workers of the brothel were not British women as it would negatively reflect on British womanhood (Tambe, 2009, p.56). They preferred white women who should not be British women. The European women who were tolerated in the brothels were women from France, Germany, Italy, particularly women from Poland, Austria, Romania and Russia (Tambe, 2009, p.56).

However, the present context views brothels with two polarised binaries. The first conforms to the 18th century construct of ‘infernal spaces’. Brothels are viewed as sites which breed and preserve social impurities and are a site wherein the rights and interest of girls and women are violated. The second is a feminist right based view which conceptualise brothels as a site of work. These are spaces wherein women in exchange for money do willful sex work.

1.5.15. Shelter Homes- The Rehabilitative Spaces:

Although, India officially designed shelter homes in 1969, yet the first shelter home was created by Savitribai Phule on 28th January 1853 (Das, 2016, p.77; Velivada, 2017, para.1). As an attempt to prevent infanticide Savitribai provided shelter to pregnant widowed women who in the absence of social and financial security were subjected to “clandestine” sexual exploitation (Velivada, 2017, para.1). In the absence of contraceptives widowed women were pregnant and this led to their social ostracisation and “unhealthy abortion” (Velivada, 2017, para.1). To address this she started the “Infanticide Prohibition Home” and this was the first kind of shelter home in India (Velivada, 2017, para.1).

However, in 1969 India designed Short Stay Homes for women who suffered “social and moral danger” (as cited in Das, 2016, p.77). “The scheme evolved to address the problems of girls and women arising out of marital conflicts, rapid urbanisation, industrialisation, migration, and changing patterns of life” (as cited in Das, 2016, p.77-78). The second form of the shelter home was designed by the Ministry of Women and Child Development (MWCD) and it was named as Swadhar Greh which provided “long-term shelter to girls and women” who suffer “distress” and is “without social and economic support” (as cited in Das, 2016, p.78). In 2007 the MWCD designed Ujjawala shelter homes. This home was designed to protect the rights and interests of victims (as cited in Das, 2016, p.78). As a response to the Nirbhaya case the Ministry of Women Child Development (MWCD) in 2013 designed the One Stop Centre scheme (Das, 2016, p.78). The objective was to provide shelter and one stop service to a raped victim. “These centres provide girls and women with shelter, medical aid, legal assistance, emotional and counselling support, help with the police, and video conferencing facilities” (Das, 2016, p.78). Further, India also has the provisions of providing night shelters that provide services to men, women, and

children (Commissioners of the Supreme Court, 2014, p.xvii). Centered on the functions of these shelters, this study understands shelter homes as places intended to safeguard the rights and interests of those in distress.

1.5.16. The Raids, Rescue and Rehabilitation Industry:

Raids, rescue, and rehabilitation form an important part of the discourse of sex trafficking. They are based on the situation of women being trapped in sexual enslavement. Raids, rescue, and rehabilitation are guided by the agenda to liberate girls and women from commercial sexual slavery. It is one such approach that is pro-actively adopted by India. Since the year 2000, the number of raids and rescues in India has increased. “As estimated by Sankar Sen and P M Nair’s the total number of raids in India during 2002- 03 was 6,479 (2004:111)” (as cited in Das, 2016, p.77).

This increase has been because India along with other nation-states receiving funding from the donor agencies has to trumpet on the statistics and the number of women they rescued. The justification for expanded raids, rescue and rehabilitation is the moralistic approach casts against sex work. Sharma (2005) argues that the rescue industries reflect an anti-sex work bias (p.103). Further, to protect women from getting re-trafficked an immigration minister argued that trafficked women should be jailed. Jailing women were thus being held as a means of protection (Sharma, 2005, p.93).

However, Cavelleri (2011) argues that the organisation often rescues women who want to remain in the brothel (p.1437). This is the consequence of the over-protectionist approach of the abolitionist group which is based on the dichotomy of innocent/complicit which focuses on the curtailment and autonomy of the innocent sexual slaves (Cavelleri, 2011, p. 1437). Raids, rescue,

and rehabilitation stand as reckless disregard for women's choices (Cavalieri, 2011, p.1437). Tambe (2009) have used the term 'coercive protection' to refer to rescue homes (p.63).

The construction of the coercive spaces or homes is based on the understanding of early women's movement, nationalist, social reformers and missionaries understanding of the body of the prostitute. They conceive the body of a prostitute as a site of exploitation and which is devoid of agency. Henceforth, they essentially are an 'object of rescue' (Tambe, 2009, p.104). Thereby, newspapers regularly report on raids and rescues in brothels (Tambe, 2009, p.129). There is a marked increase in the conduct of raids and rescues, which invariably has been the result of the pressure in performance against the problem of sex trafficking.

This has consequently resulted in creating major fallouts in the aspect of raids, rescue, and rehabilitation, which often results in violating the rights of trafficked victims. The rescue and rehabilitation program does not let the voices of trafficked victims be heard (Cavalieri, 2011, P.1414). Rather it has led to the creation of an "international 'rescue industry' that pathologises the people who are engaged in the sex industry" (Weeks, 2011, p.215).

India is currently providing rescue and rehabilitation under State Home for Women as well as the Ujjawala Scheme run under the Ministry for Women and Child Development. However, the existing literature is found to be devoid of adequate research and work on the rescue and rehabilitation of trafficked victims. It brings forth the multiple aspects and dimensions of the phenomenon. The literature has dealt with the causes, and its consequences and has also identified the confluences of sex trafficking with sex work, migration and smuggling. The above literature review also brings forth the philosophical debates of abolitionist and regulationists school of thought. Although the literature reviews on sex trafficking reflect the multiple facets of sex trafficking however, the present study found that the literature lacks research in the post-

rescue situation of rescued trafficked victims. Further, it also lacks the approach and standpoints of the stakeholders of the anti-trafficking squad. These two aspects stand integral for a complete framework of sex trafficking.

1.6. THE GAPS IN THE LITERATURE:

Over the years the phenomenon has undergone a multitude of changes with its conceptualisation and understanding. Although, historically human trafficking was solely understood in terms of trafficking for commercial sexual exploitation, however at present the concept has widened and has included other forms of forced labour. With feminist interventions, there have been debates on the conflation of sex trafficking and voluntary sex work. There has been a debate on how the state tries to nullify and dismiss women's agency to migrate. Therefore, tremendous work has been done on human trafficking and its 'indispensable' form- sex trafficking. However, the literature is found to have sparse research and epistemology on the rescue and rehabilitation of trafficked victims. It also lacks adequate research on the approach of anti-trafficking stakeholders. Keeping this in purview, the current work, along with the pre-rescue narratives, will aim to look into the stories of rescue and rehabilitation of trafficked victims in Assam and Meghalaya.

1.7. THEORETICAL FRAMEWORK:

Theoretical framework on sex trafficking would be around the theories of sexuality and its gendered constructions of being a 'normal asexual women'. To weave the theoretical framework of the present study one would seek to quote "For Freud, the social is the horizon to which human beings must learn to submit despite the demands of their own sexuality" (as cited in Chow, 2003, p.100). He argues that the sexuality of human beings is orchestrated. According to his theory reproduction is the sole purpose of sexuality (as cited in Chow, 2003, p.100). He

argues that sexuality is an unconscious, uncontrollable stubborn drive, which the social beings are systematically taught to tame and control. He theorises and negates the idea of 'normal sexuality' as portrayed by the social order of society. He asserts that human sexuality is an assertion of the "process of sexuation" and hence it is not derived from human anatomy or the social order of the society (as cited in Chow, 2003, p.99).

Similarly, Foucault in his account on sexuality argues that the primary purpose of constructed sexuality is production. He contends that the enforced 'normal sexuality' consists of four parts- "hysterization of women's bodies, pedagogization of children sex, socialisation of procreative behaviour, and psychiatrization of perverse pleasure" (as cited in Chow, 2003, p. 102). He debates that the "social regimentation" of sexuality is under constant "institutional surveillance" (as cited in Chow, 2003, p.103). Foucault articulates sexuality as an intrinsic site of power. Therefore, the socialised sexuality could be articulated as a site that administers bodies into being within the compass of 'normal sexuality' whose sole purpose is reproduction and not pleasure. Sex for pleasure is constructed to be a waste of pursuits (Foucault & Rabinow, 1991, p.5). Therefore, sexuality within the 'normal heterosexual couple' is the only legitimate bourgeoisie norm and all other sexualities are in the periphery (Foucault & Rabinow, 1991, p.5). Evidently, they do not have a legitimate claim and are often subjected to scrutiny and impunity. He contends that the sexuality of human beings is under constant surveillance (Foucault & Rabinow, 1991, p.324).

Therefore, sexuality is a site of power which has been materialised by the heteronormative society to regularise the bodies of men and women. The discourse of sexuality poses an "inferior sexual identity" on women which according to Freud is the outcome of "civilisation and its discontents" (Chow, 2003, p. 97). Its discourse was loaded with the understanding of men's

unbridled sexuality which gets swayed easily by sexual gestures and indications by women. The constructed sexualities were essentially based on the patriarchal conceptualisation of sexuality which constructed men with higher sexual tendencies, while women were constructed to be devoid of any form of sexual tendencies and desires. Jameela's (2018) stance on Malayali man supports the argument on man's unbridled sexual desires (p.13). She argues that if nobody else notices, for a Malayali man, any woman should suffice (Jameela, 2018, p.13).

Women for the longest time are refrained from having sexual activity. Upon marriage they are given away. This is associated with an unspoken social requirement that their bodies should be able to satisfy their husbands. This gendered construction of women has articulated them as asexual beings who constantly suffer sexual ostracisation. This gendered construction is argued by Jameela (2018) who posits that a decent wife is one who is asexual and suffers sexual violence in silence (p. 12).

Thereby, the gendered constructions of women have led society and its participants to have learned to treat women in an inferior, deficient and derogatory way (Chow, 2003, p.100). Society mimics and imposes the idea of 'normal womanhood' (Chow, 2003, p.100). This social mimicry has its reflections on the pre-acquired, pre-supposed and learned notions of sexuality (Chow, 2003, p.100). "The pre-disposed social sexuality which is mimicked by humans evolves as a form of socially accepted definition of human sexuality" (Chow, 2003, p.100).

These learned perceptions of sexuality are imposed on its social actors. Any deviation found or committed is necessarily to be outside the parameters of a normal and good woman. The society and its participants diligently seek to protect these learned and acquired notions of sexuality. Foucault's theorisation on sexuality argues about licit and illicit sexual behaviours. The illicit is restricted within the infernal spaces which lie outside the society. These spaces are tolerated to

control men's untrammelled sexuality. However, since society seeks to control and regulate women's sexuality therefore, it seeks to vehemently oppose the existence of voluntary sex work. This context is put forth by Jameela (2018) who argues that while the Indian legal system does not per se consider sex work as an illegal activity, yet the police and the legal system persecute sex workers (p. 17-18). This construction of women's controlled sexuality has led to the ostracisation of the bodies of voluntary sex workers. Sex workers suffer ridicule and embarrassment in most public places. They are kept apart as if they had some form of infectious disease (Jameela, 2018, p.12). "The unbounded hedonism the pursuit of pleasure in a post-modern society is only at the disposable of men" (Weeks, 2014, p.131).

Hence, sex is strictly defined within the boundaries of penetration. It is penetrative, something that is done to someone. Penetrative sex from the ancient world is taken as a means of control and domination. Sexual etiquette was the issue of penetration and the penetrator himself was important but not the one whom they penetrated. Such a construct led sodomy as accepted social behaviour. Being penetrated was seen as submission. The subject of penetration was adolescent men, slaves, and women. Historically, female sexuality was seen as dangerous as it would exhaust men and could turn them effeminate. Therefore, from the ancient world to date sexuality is shaped by social, cultural and legal structures. Notions of masculinity and femininity strengthen the rules and norms of sexuality.

Therefore, the epistemology of sexuality was constructed by the bourgeoisie society. In this regard, Foucault's theory on the rise of prisons, asylums, and clinics that were created to control sexuality led to the condemning of pathologised individuals. As a solution, they were separated from society and confined to restrictive spaces. "Techniques of domination based on increasingly penetrating knowledge systems turned humans into objects of study" (Tambe, 2009, p. 16).

According to Foucault the repression of sexuality constructed a body whose identity is integral to its sexuality and selfhood. The discourse on sex led to the construction of a body possessing health, hygiene, decent and race (as cited in Tambe 2009 16). Sex was institutionalised through the institution of marriage since it ensured pure bloodlines and kinship. Sex outside the institution of marriage was repressed in ways that were termed or within the boundaries of moral and immoral. The 'correct sex' is in the category of moral and accepted sexuality as in the Marxist concept is for reproduction and not pleasure. 'Incorrect sex' had no production value and was purely based on pleasure.

Further, Foucault's apparatus of sexuality puts forth the scientific classification of sexualities. It led to the medicalisation of the discourse of sex. In the new apparatus of sexuality certain categories of sexuality for instance that of debauchery were analysed as perverse and pathological. Prostitution is one such category. Prostitution was constructed as an immoral behaviour which requires pathological monitoring under modern regimes. The body of the prostitute was the site of the spread of venereal diseases (Tambe, 2009, p.17). The monitoring of the prostitute involved strict regimes of laws and punishment. It was a means to discipline women's bodies. The disciplining of the bodies of prostitute through pathological and legal regime led a discursive understanding of the category of good woman vis-a-vis bad woman. It outlines that a woman if bad would be subjected to severe pathological and legal regimes.

This category of bad women is problematised by Jameela (2018) who argues that a bad woman is one who ventures and travels at odd hours and one who does not follow the regime of strict heterosexual order (p.13). To repress and regulate these categories of 'bad women' increased interest of the world began to be concentrated in combating sex trafficking. Sex trafficking could

be articulated within these paradigmatics of women's sexuality. This is because sex trafficking exposes women's bodies to sexual violations and 'moral contaminations.

Women forced into the trade lie outside the constructed legitimate heterosexual relationships. Their bodies are disposed of as "pleasurable pursuits" to the customers. Further, since the sexuality of women has been constructed as an inferior, controlled and highly surveillance site of the society, therefore any pricks into it causes increased moral and social imbalances in the social milieu.

Therefore, the present thesis draws from the theory on the construction of sexuality which has strong relevance in the discourse of sex trafficking. This is because sexuality is shaped by cultural, social and political factors. It is shaped by relations of power around gender, social class, religion, caste, disability and so forth. The culture of sexuality is developed around male pleasure that has adopted a phallocentric culture on the notion of sex and trafficking in girls and women.

1.8. LIMITATIONS OF THE STUDY:

The foremost constraint of the study was the limited and restricted access to shelter homes for rescued trafficked victims. Further, due to the limitations in time and resources, the study could not take into account all the districts of Assam and Meghalaya. Moreover, if it had incorporated the intersectionality of gender, caste, ethnic identities and other important social dimensions the research would have been more extensive and comprehensive. But owing to the complexity and unavailability of resources of the phenomenon the study could not adopt an intersectional approach.

In addition to the above the researcher admits that the interviews when transcribed and translated from Assamese, Hindi and Bengali language to English might lose the meanings and tone of the respondents. Nevertheless, the researcher has tried her best to transcribe and translate them as precisely as possible.

1.9. CHAPTERISATION:

The **first chapter** titled “**Introduction**” provides a background of the present research. It introduces the thesis. It outlines the objectives, research questions and enunciates the methodology adopted for the study. It discusses the major debates in the discourse of sex trafficking and seeks to find out the gaps in the existing literature. This chapter also gives a perspective of the conceptual framework of the study.

The **second chapter** titled “**Background of the Regions: Assam and Meghalaya**” is an attempt to discuss the background of Assam and Meghalaya. It maps the socio-economic backgrounds of Assam and Meghalaya. In this process, it tries to understand the factors that lead to the occurrence of the crime of sex trafficking. Also, this chapter sketches the position of women in Assam and Meghalaya.

The **third chapter** titled “**The State Responses on Human and Sex Trafficking: The Politics**” analyses the politics of policies and laws on human and sex trafficking. It is a critical analysis of the penal system designed against trafficking. It deals with the state’s manifestation of power to regulate and control trafficking. It seeks to examine the rationale for enacting and implementing the laws on trafficking.

The **fourth chapter** titled “**Civil Society and Sex Trafficking**” examines the voices within the civil society and their views on sex trafficking. It analyses and discusses the narratives and

experiences shared by civil society. It seeks to understand whether the stakeholders have a gender-sensitive conceptualisation, understanding, and approach towards sex trafficking. It basically attempts to reveal the standpoints of the members of the civil society.

The **fifth chapter** titled “**Life Stories**” discusses the life stories of respondents who were trafficked into commercial sexual exploitation. It is an empirical account of sex trafficking in Assam and Meghalaya. By delving into their lived realities it brings the standpoints of the victims of sex trafficking. It contemplates and conceptualises the pre and post rescue narratives.

The **sixth chapter** titled ““*Nosto Chandrika*” (**Damaged Girl**)” is about a diary written by an NGO worker. The diary discusses the experience of the workers’ involvement with the anti-trafficking movement. The chapter contains the different cases handled by the worker and the meanings that the worker derives from these experiences. It is a feminist deconstruction of the stories and experiences of the writer.

The **seventh chapter** titled “**Conclusion**” gives the findings and the major arguments of this research. This chapter attempts to conclude the research. It puts forth the suggestions of the research and provides a framework for future research on the topic of sex trafficking in Assam and Meghalaya.

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CHAPTER-II

BACKGROUND OF THE REGIONS: ASSAM AND MEGHALAYA

2.1. INTRODUCTION:

As has been discussed in the previous chapter the causes, manifestations and the aftermath of the crime of sex trafficking is multifarious and multilayered. To understand the operation of sex trafficking in Assam and Meghalaya it is vital to map the socio-economic background of the states. Therefore, in order to drive this research, it is imperative to encapsulate a background of these regions.

In order to understand the region's susceptibility to sex trafficking, this chapter is parted in two sections. The first part commences with the socio-economic background of Assam and the second part discusses and analyzes the socio-economic background of Meghalaya. In doing so it tries to investigate and find out how these regions play a vital role in providing a fertile space for sex trafficking.

2.2. ASSAM:

This section provides several key reasons that make Assam vulnerable to sex trafficking. It maps and draws an account of its peculiar geography, demography, educational setting, and economy which makes it susceptible and prone to the crime of trafficking in girls and women. To form a holistic understanding of the causes proliferating sex trafficking in Assam it is imperative to document and analyse the position of women in Assam. To situate the rationale for undertaking the study within the confines of Assam, this section also provides the existence of slavery in Assam, the records of sex trafficking in the state, and the ever-existing narrative of human

trafficking. To further contextualise the problem of the study, this section deals with the situation of conflict and insurgency and also discusses the problem of seasonal floods in Assam.

2.2.1. Geography of Assam:

Assam is one amongst the eight states of North-East India. A thin chicken neck area known as the Siliguri corridor connects Assam with the rest of India. It is the largest state in northeast India (Government of Assam, n.d. para.1). It is spread over an area of 78,438 sq. kilometres. It covers 2.4 percent of the country's total geographical area (DES, 2011, p. VII). It comprises of 33 administrative districts, 80 sub-divisions, 219 Development Blocks and 2202 Gaon Panchayats (Government of Assam, n.d.,para.3).



Source: Maps of India

The state is parted into Brahmaputra valley and Barak valley. The former comprises of 30 districts and the latter consists of 3 districts. It borders Bangladesh and Bhutan (DES, 2018, p. 1). Further, the state is nearer to countries like China, Nepal, and Myanmar. The state has a total of

214 towns and 26395 numbers of villages (DES, 2018, p. 1). Out of 214 towns, 88 are statutory towns and 126 census towns (DES, 2018, p.1).

2.2.2. Demographic Outline of Assam:

The total population of the state is 31,169,272 (Census of India, 2011, p.2). The present census of 2011 has shown an upsurge in the density of population. The last census had recorded a population of 26,655,528 (Census of India, 2001, p.1). Therefore, the last ten years records a decadal growth rate of 17.1 percent which indicates that the population of Assam has tremendously upsurge. “The density of the population has surged up to 397 in 2011 as against 340 in 2001” (Staff Reporter, 2011, para. 12).

This demography is diverse in its socio-cultural, religious and ethnic composition. It is heterogeneous in nature (DES, 2018, p.1). The diverse communities of Assam include the Bodos, Dimasas, Tiwas, Khasis, Bodo-Kacharis, Mishings, Bengalis, Ahoms, Rajbongshis, Garos, Chutias, Rabhas, Karbis, Tea-tribe, Bengali Muslims, Assamese, Nepalese, Deoris, Mechs, and Barmans. Its heterogeneity is the result of an enmeshed population- of the aboriginals of Assam and the population that migrated from Western China (Gait, 1906, p.i).

2.2.3. Education and Literacy:

The literacy rate of Assam is 73.18 percent. Out of which the total percentage of male and female literates was 78.81 and 67.27 percent respectively (DES, 2012, p. 8). The 2001 census recorded an average of 63.25 percent of total literacy rate in the state. The literacy rates of male and female were 71.28 and 54.61 percent respectively (DES, 2011, p. VII).

Assam has observed several improvements in the education of the state. Over the last few years, it has witnessed impressive growth in elementary education. There has also been a substantial

growth in the number of elementary schools, teachers, and students. Also, there has been a notable improvement in infrastructure.

Though Assam has improved and developed its educational sector and has recorded a decline in school dropouts, yet the problem still persists in the state (Kalita, 2019, & Out of School, 2016). Despite the implementation of Sarva Shiksha Abhiyan from the year 2001, records suggest that the “educational attainment among the poor are lower compared to others” (Planning Commission, n.d. p.79). It is also the case that educational attainment among women is lower compared with men and rural areas are lagging behind urban ones (Planning Commission, n.d. p. 79).

Therefore, although the statistics on total literacy rates show an increase in Assam, however, it also reflects a wide chasm in the literacy rates of males and females. The figures on female literacy rates show that the average literacy rate of women has not shown a remarkable increase in the 2011 census. These numerical facts show that a considerable percentage of girls and women are out of the system of formal education. As has been discussed in Chapter-I the low female literacy rates make girls and women vulnerable to sex trafficking.

2.2.4. Economic Profile of the State:

Predominantly agriculture and cultivation of paddy were the chief occupations of the people in ancient and medieval Assam. Either directly or indirectly both the nobles and the commons were connected to this occupation of agriculture (Baruah, 1995, p.162-431). Apart from agriculture; fishing, weaving and metalworking were some other sources of livelihood for the people in the state. The economy of Assam was also supported by the export of its rich mineral resources such as forests, minerals and silk products (Baruah, 1995, p.163).

The economy in the ancient and medieval Assam was agricultural (Baruah, 1995, p.431). But medieval Assam also witnessed the evolving of both internal and external trade (Baruah, 1995, 431). Nevertheless “industrial and commercial pursuits” never developed to a level that could support the economy of the state (Baruah, 1995, p.431-32).

In the modern period, although the ancient and medieval occupation of Assam maintained its economic contribution to the state, yet the discovery of the tea industry by the British government led to a boom in its economy (Baruah, 1995, p.636). The perks of which the state enjoys till the present date. The other economic avenues of the state were - coal and the petroleum economy.

The above is a vignette of the ancient and medieval sources of economy in Assam. The following sketch would yield the present economic scenario of the state. Assam’s per capita income is Rs. 67,620, much lower than India’s total average of Rs. 1,03, 870 (Business Standard, 2018, para.3). It has been remarked by government officials that the low growth rate of Assam is a serious concern and it has to significantly accelerate its development in health, educational and economic outcomes (Business Standard, 2018, para. 2 & 4). Lack of industrialisation and urbanisation has led to a major proportion of its population to be dependent on the agricultural sector (Business Standard, 2018, para.4). This makes it primarily an agrarian economy, which often gets affected by its fluctuation in its agricultural produce (DES, 2018, p.1).

Also, a significant industry which adds to the current economy of the state is the business of tea in Assam. Its production in India contributes to over “half of India’s total tea production” (DES, 2018, p. 7). Also, a sectoral analysis of the contribution of the Gross State Domestic Product has found that apart from the service sector, the agricultural and its allied activities and the Industrial sector have exhibited a steady decline (DES, 2018, p.1).

The share of industry sector at current prices has slightly declined from 30.63% in 2011-12 to 28.72% in 2016-17(QE). During the period 2011-12 to 2016-17, the share of service sector had increased from 43.97% in 2011-12 to 45.51% 2016-17(QE). Moreover, the contribution of taxes and subsidies during the period has increased from 5.51% in 2011-12 to 6.44% in 2016-17(QE) (DES, 2018, p. 2).

Also, the agricultural sector which has immensely contributed to the economy of Assam is seen to drastically decline in the present date. A fundamental point that should be considered here is that a bigger extent of the rural population is occupied in the farming economy. A decline in this sector has primarily affected the rural population. The above stated sectoral analysis of the state invariably presents the dismal economic condition of rural Assam.

Assam is, therefore, going through an economic crisis, the brunt of which is faced more by the rural population. The poverty headcount ratio is 37.9 percent and the total number of poor in the state is 11 million (Dhar, 2014, p.113). Another indicator which depicts the poor economy of Assam is its critical position in the India Hunger Index. It shows that in the Index the state falls into the ‘serious category’ of hunger and deprivation (IFPR, n.d. p.2). Also, the low per capita income and the gross state domestic product reveal that the incidence of poverty is high in the state. The incidences of poverty in Assam remain higher than the national average (World Bank Group, 2017, p. 1). According to the World Bank Group (2017) out of “31 million people a third of whom are poor” in Assam (p. 1).

Therefore, in the current date, the above economic background of Assam is daunting. Connecting this murky picture of Assam’s economy to the discourse of sex trafficking makes one argue that the poor economic background of the State provides a fertile ground for human trafficking. This rationale is drawn from Chapter-I which precisely states that the poor economic condition and

poverty are among the key factors of sex trafficking. Hence, due to the high levels of poverty, Assam becomes a rich supplying site of trafficked merchandise.

2.2.5. Position of Women in Assam:

Assam is a complex heterogeneous society- broadly branched out as the- indigenous and the non-indigenous population. The communities have complex gender structures within themselves. These gendered structures are sanctioned by myths and legends which have represented women as the Mother Earth (Deka, 2013, p.2). This symbolic ascription leads to the association of women to the ‘divine’ tasks of reproduction and nurturing of children (Deka, 2013, p.2). Katyayani and goddess Kamakhya is associated with the fertility cult and divine power in Assam (Deka, 2013, p.3). Devi Shakti has been an ever-enduring faith and belief of the people of Assam. But the concept of Shakti in the mythical and legendary literature does not only mean a power that could dominate the land and the people, however, a major aspect of the essence of the concept of Shakti meant motherhood and nurturing. “This representation suggests gestation and childbirth as the natural manifestations of the creative power...” (Deka, 2013, p.2). This ascription of the creative power of childbirth, motherhood and nurturing relegates to be the sole responsibility of women in Assam.

These beliefs of the subjugated position of women in Assam is strengthened by the mythical stories of how independent goddess Kamakhya was under the charge of Naraka (Deka, 2013, p.3). Therefore, it is alluring to note how an independent and powerful deity of goddess Kamakhya became to be represented as a consort and a mother (Deka, 2013, p.3). Therefore, this “change in the depiction of the goddess corresponds to a change in gender relations in the society” (Deka, 2013, p.3).

A historical analysis of women's power by Liddle and Joshi led them to argue that women have been portrayed as strong, powerful and as a threat to men (Deka, 2013, p.3). To suppress this power, caste system and patriarchal family were established as a site of struggle to refrain and dominate women power (Deka, 2013, p.3). Subjugation, dominance and the overpowering of male power were deeply rooted with the entrenching caste system, the patriarchal family, religious practices and the biased gender ideologies. This influence of the Brahmanical society came to show its influence on the non-Brahmanical society which stands typical to the whole of Indian society, including Assam (Deka, 2013, p.5).

Considering the above articulation on women, a clear understanding of the position of women in Assam could be encapsulated through a mix of both secondary and primary data. Along with the sparse available secondary literature on the position of women in Assam, this study has also resorted to primary data. It has documented and analysed the multiple voices of gender-based oppression that women in Assam face.

...I have been married for 16 years. I was a new bride when he first bet me. Since then violence has been a part of my life. My children have grown amidst it. It is very recent that he broke a bottle on my head. I bled profusely. This time my eldest daughter called the police. When the police came he fled from the house. Because he is a government employee I did close the legal matter. If his job gets affected my children will have to suffer (Niharika, Assam, March 12, 2018).

Niharika's recount reveals the extreme gender-based violence that she has been experiencing since the last 16 years. Owing to her economic dependency upon him she refrains from pursuing legal action against him and continues to live under threat and violence. This lack of self-dependency subjects her to encounter physical and psychological violence.

...Women have a better position in Assam. However, women are bound with restrictions of choice, mobility, and decision-making ability. There are restrictions on what we should or should not wear whom should we meet and at what time we should be allowed in the public space. In terms of education, girls are provided with fewer opportunities (Jyots, Assam, March 14, 2018).

The above narrative ironically paints a dubious picture of the position of women in Assam. On the one hand it narrates the relatively better position of women in Assam and on the other hand, it recounts of the gendered restrictions, subordination and oppression that woman in Assam face.

Also, the daily news reporting on women in Assam reflect a dismal and subjugated state of women in the state. The subjugated and secondary position of women in Assam is evidently depicted in the electronic and print media of Assam. For instance, the Sentinel (2019) reported that a husband on demands of dowry had beaten his ‘wife’ and two children to death (para.1). In 2011 Assam recorded 121 dowry deaths which increased to 446 in 2012 (Baruah, 2013, para. 6&7). Therefore, a rising trend in these numbers reflects an increase in the number of dowry deaths in the state.

Along with rape, “various forms of gender-based violence” are also on the rise. In the early hours of Sunday, a 40-year-old woman was raped by three men in Bokpara Ghorbondichuk, Lahowal village, Dibrugarh district (Dutta, 2019, para.1). In 2018 two women were raped and strangled to death in Assam (NDTV, 2019). A total of 1779 cases were registered in Assam (NCRB, 2016, p.85). Last year 21,298 cases of female crimes were registered in the State. Of these, nearly half - 10,580 - were cases of violence by husbands alone (Baruah, 2018, para.1).

Therefore, the above shows that in Assam women are subjected to extreme forms of gender-based violence which includes domestic violence, dowry deaths, rape, sexual harassment and

others. The deep structured and constructed layers and patterns of patriarchy, subordination, and marginalisation of women in Assam shows that women in the state do not have an equal position as that of her counterpart.

2.2.6. Slavery in Assam:

Slavery was widely practiced in Assam. The buying and selling of slaves were according to the hierarchical structure of the social milieu. The market price of the slaves was determined by the hierarchy in the lower caste. It ranged from twenty rupees for an adult ‘male’ of a ‘good’ caste. The amount for a low caste ‘girl’ could be around three rupees. Assam also had a community who were bondsmen by birth. They were known as Paiks (Baruah, 1995, p.418). On account of the successful fulfillment of their duties, they were granted limited freedom (Baruah, 1995, p.418). Complete freedom was granted in exchange for a price which could be afforded and obtained only by a few (Baruah, 1995, p.418). The status of the nobles could be known by the number of Paiks they could buy and have under their control (Baruah, 1986, p. 419). Therefore, Assam historically had a system of slavery that was essentially deprived of freedom and choice.

2.2.7. Records of Sex Trafficking in Assam:

Assam is a source, transit and destination site for trafficking in girls and women. It “serves as a source and transit sites” for minor girls from Bangladesh and Nepal (Santhya, Jejeebhoy & Basu, 2014, p. 29). The crime is flourishing in the state of Assam (Saikia, 2018, para. 10). Girls and women from the state are particularly trafficked for commercial sexual exploitation. The UNODC has identified Assam as a state with rampant and large scale trafficking in girls (Santhya, et al. p. 21). The CID statistics have also reported that more than 422 human trafficking victims, mostly minors, have been rescued since 2011 (Baruah, 2015, p. 6). “Assam accounts for “22% of the total reported cases of human trafficking across the state” (Hindustan

Times, 2016). The data on trafficking in Assam indicates that the state has been a raging site for human and sex trafficking.

2.2.8. Narrative on Human Trafficking in Assam:

Human trafficking in Assam is known as '*manob horboroh*'. Human trafficking has always been in the narrative of popular knowledge. The form of trafficking that existed in the epistemology of the people of Assam was forced labour, organ trafficking, trafficking for human sacrifice. The data which was collected to reveal the ever-existing narrative of human trafficking shows that the common means of trafficking was the abduction of victims. The term which was colloquially used to refer a trafficker was '*khupa dhora*'. The term was often used to control and frightened small children.

A 64 years old respondent said- "*When I was young my mother told us about traffickers (khupadhora) who abducted small children*" (Rupohi, Assam, July 14, 2018). Another respondent who was 72 years old said that "*Once my own brother was about to be kidnapped by a trafficker (khupa dhora)*" (Aikon, Assam, July 14, 2018).

A respondent revealed the purpose of human trafficking. She said that boys were trafficked for their organs or to work as domestic labour, girls were trafficked to work in the commercial sexual industry (Minati, Assam, July 15, 2018).

The conception and comprehension of the trafficker are sedimented in the epistemology of the society in Assam. On June 8, 2018, this knowledge of trafficker (*khupa dhora*) led to the death of two travellers. A rumour of they (two travellers) being traffickers was spread across the village of Dokmoka (Assam). They were mob lynched by the dwellers of Dokmoka village in Karbi

Anglong (Saikia, 2018). This incident evidently reveals that the narrative of human trafficking and trafficker (*khupa dhora*) is present in the epistemology of the people in Assam.

2.2.9. History of Human Trafficking in Assam:

If one had to dwell on the history of human trafficking in Assam, one would delve into the history of tea garden workers in Assam. It is important to trace their journey into Assam. The British government brought them from Jharkhand, Bihar, Odisha and other parts of India.

When one analyzes and examines the process through which these workers were brought to Assam one finds that it identifies to the United Nations protocols of human trafficking (UN, 2000). Many workers were lured and given fake promises and brought to Assam.

There were many occasions wherein they could not go back to their native places. In the case of tea garden workers in Assam, one would seek to argue that although the pattern of ‘exploitation’ did not strictly match to the pattern of exploitation involved in human trafficking, yet it complies to the means involved in trafficking of human beings (UN, 2000).

A clear understanding of it could be derived from the testimony of a 50-year-old tea garden worker who said “*A native of my village brought me and my husband to Assam. He promised that he would take us to visit new places in Assam. However, when we arrived we were made to work in the gardens*” (Phoolmati, Assam, 15th March, 2016).

Phoolmati and her husband were lured and disguised and brought to Assam. According to the testimonies of tea garden workers, this research brings to light that like human trafficking numerous tea garden workers were duped and brought to Assam. The British government also used the technique of sending workers to their native villages and luring others into the tea

gardens of Assam. Therefore, the history of tea garden workers reveals that historically Assam has been a destination site for labour trafficking.

2.2.10. Conflict and Insurgency:

The beginning of ethnic conflict in Assam could be traced with the introduction of the Assam Official Language Bill of 1960 (Shodhganga, n.d., p.76). The bill sought to make 'Assamese' the official language of Assam. This brought resentment from the other ethnic communities of the state and led to conflict between the communities. The outcome of the conflict led to the creation of new states.

Assam further witnessed deep agitation against cross-border migrants from Bangladesh. This militant conflict led to the Nellie massacre which had killed more than 1800 Muslim inhabitants of the village (Choudhary, 2019, para.17). The unofficial death toll is considered to be higher than 5000 (Choudhary, 2019, para.17). Further, the state is deeply affected by conflicts between Bodo-Assamese and Bodo-Muslim communities.

Studies show that the phenomenon of trafficking worsens in the conflict-prone areas (Guilbert, 2019, para.1). "Human trafficking is becoming more horrific" in conflict zones, where armed groups are holding women as sex slaves and using child soldiers to spread terror (Guilbert, 2019, para.1). Therefore, since Assam is prone to ethnic and armed conflict, its vulnerability to human and sex trafficking increases manifold. Also, Assam has been severely affected by the problem of insurgency⁸. In the advent of insurgent activities, Assam had become the source and transit sites of human trafficking in general and sex trafficking in specific.

⁸ "The Assam Tribune, a leading daily of Assam had published a report on the 31st of January 2005 which showed that among the Northeastern states, Assam has registered the highest number of insurgency related cases, right from the killing of civilians to kidnappings for ransom" (Mazumdar, n.d., para.8).

2.2.11. Floods and Human Trafficking in Assam:

Thousands of people have been affected by the rising floods in the state. The current population that was affected in the year 2019 is 88000 (India Today, 2019, para. 9). According to the flood report released on 1 September 2015 by the Assam Disaster Management Agency, about 2,000 villages, with 875,000 people affected (Akhtar, 2015, para.6). The flood affected areas become active supply zones of human trafficking.

Thereby, floods in Assam have led to the displacement of the population making many susceptible to the crime of human trafficking. The affected people are taken to relief camps wherein they are targeted by traffickers and pushed into the human trafficking rings. Assam's persistent problem with flooding has made the state a source state for child trafficking. Nobel laureate and child rights crusader Kailash Satyarthi noted that Assam was a major source of child trafficking due to the massive floods of displaced people in the state (Akhtar, 2015, para.13). Therefore, seasonal floods in Assam lead to a rise in the number of human and sex trafficking in the state.

2.3. MEGHALAYA:

This section provides a socio-economic background of Meghalaya. It attempts to give explanations that render Meghalaya vulnerable to sex trafficking. It gives an account of the geographical, demographical, educational and economical setting of the state. To extract a rationale behind the occurrences of sex trafficking, this section documents and analyzes the position of women in the state. This argument is articulated in Chapter-I which states that gender-based discrimination and poverty are the foundational causes of sex trafficking. To contain the rationale for selecting Meghalaya as an area of this study, it provides the facts and figures of the incidences of human and sex trafficking.

2.3.1. Geography of Meghalaya:

The total area of Meghalaya is 22,429 sq. km (Rao, n.d., p.2). To its north and east lies Assam and to its south and southwest lies Bangladesh (Rao, n.d., p.2). It comprises of seven administrative districts- East Garo Hills, West Garo Hills, East Khasi Hills, West Khasi Hills, Jaintia Hills, Ri Bhoi and South Garo Hills (Joshi, 2010, p.1). It is geographically located in the eastern corner of the country and is away from central India (Rao, n.d. p.2). The state of Assam connects it with the rest of India.



(Source: Maps of India)

2.3.2. Demographic outline of Meghalaya:

The major ethnic demography of Meghalaya is the Khasis, Jaintias and Garos (Joshi, 2010, p.1). The Khasis and Jaintias belong to the “Austro-Asiatic race”, while the Garos are “believed to belong to the Tibeto-Burman group” (Rao, n.d., p.5). “There are however, other tribes like the

Kochs, the Hajongs, the Rabhas, the Mikirs and other minor tribes who are also the aboriginal of the State” (Rao, n.d., p.5). The largest religious population is Christianity, followed by Hindus, Muslims, Buddhist, Sikhs and Jains. The total population of the state is 29.67 lakhs, which is an increase from the 2001 census (Census, 2011). The recorded population in the 2001 census was 23.19 lakhs (Census 2011). The current census records a total “sex ratio” of 989 females per 1000 males (Government of Meghalaya, 2017, p.4).

2.3.3. Literacy and Education:

The average total literacy rate of Meghalaya is 74.43 percent, out of which 75.95 percent accounts for males while 72.89 percent accounts for females. The net enrolment ratio in 2014-15 in elementary school was 96.49 percent, while that of high school was 35.57 percent (Government of Meghalaya, 2017, p. 198). The total share of girls enrolment in the lower primary and upper primary is recorded to be 49.94 and 52.72 percent respectively while that of high school was 53.20 percent (Government of Meghalaya, 2017, p. 200). The average dropout rate in 2014-15 of the lower and upper primary was 10.34 percent and 6.82 percent respectively, while that of high school was 24.74 percent (Government of Meghalaya, 2017, p.202). In 2014-15 the dropout rates of males and females in lower primary were 11.30 percent, in upper primary, it was 9.39 percent (Government of Meghalaya, 2017, p.202). In the high school dropout rates of males and females are 25.63 and 23.97 percent respectively (Government of Meghalaya, 2017, p.203). A comparative analysis of dropout rates between males and females depicts a higher percentage amongst the latter. The gender gap in the literacy rate in 2011 is 3.06 (Government of Meghalaya, 2017, p.280). The existing gender gap in literacy renders girls and women vulnerable to sex trafficking.

2.3.4. Economic Profile of the State:

Agriculture forms the primary source of the economy of the State. The major agricultural products are oranges, peaches, pineapples, pears, guavas, plums, banana, potato, maize and others (Meghalaya State Development Report, n.d., p.116). The major horticulture crops are citrus fruits, bananas, pineapple, peach, plum, etc., and spice crops such as turmeric, ginger, and cinnamon are the commonly grown agricultural produce of the state (Meghalaya State Development Report, n.d., p. 116). Further, Meghalaya is rich in coal and limestone. However, using age-old technique, it has witnessed a high degree of non-economic and non-scientific extraction of natural and mineral resources. Exporting the raw materials of these resources has resulted in the loss of revenue. Also, this kind of extraction has significant environmental implications (Government of Meghalaya, n.d., p.103). Nevertheless, it earns a significant share of the state's economy (Government of Meghalaya, n.d., p.38). Further, "Industry today accounts for one-fourth of the state's NSDP" (Government of Meghalaya, n.d., p.38). It is primarily "dependent on wood and wood-based industries" (Government of Meghalaya, n.d., p.38). Further, since Meghalaya is called the 'Scotland of the East' a considerable amount of revenue is generated from the tourism industry. The net domestic product is Rs. 1984083 (at constant prices) and per capita income of the state, is Rs. 59,386 (DES, 2017, p. 253&260). The levels of poverty in the state were better than the entire nation in 1983, with a total of 38.8 percent poor people in Meghalaya as against 44.5 percent poor in India (Purusottam, 2013, p.9). However, the percentage declined in the year 1999-2000 with the state being at the 27th position (Purusottam, 2013, p.9). In 2011-12 calculations of poverty rates in Meghalaya shows a total of 11.87 percent poor people in the state (Reserve Bank of India, 2015). These higher rates of poverty make girls and women in Meghalaya prone to sex trafficking.

2.3.5. Position of Women in Meghalaya:

The primary indigenous society of Meghalaya is matrilineal in nature. In a matrilineal society, the youngest daughter of the family is the rightful heir of the property. This form of lineage and economic rights of women has been argued to be the pattern that ensures a better position of women in the society (Shodhganga, n.d.a, p.91, Abishek & Gayathri, 2018, p. 4855). Based on a non-participatory observation made in the field sites, this study argues that the economic labour force participation of women in Meghalaya is equivalent to that of men. Also, the society of Meghalaya is matrilineal. Women in Meghalaya equally participate in both public and private spaces. The society is free from many of the social restraint of the larger Indian society (Joshi, 2010, p.288). Therefore, this society does not have problems with dowry, bride burning, female foeticide and likewise (Joshi, 2010, p.288). “However, there are other social problems like illiteracy, dropouts, unemployment, lack of family welfare programs for women and children, particularly in the rural areas” (Joshi, 2010, p.288).

Hence, the position of women in Meghalaya indicates to be better than women in other parts of the country. Nonetheless, this study argues that although it is matrilineal and matrilineal, the research finds that the norms of patriarchy are deeply embedded in the Meghalayan society. The study reveals that although the youngest daughter is the descendent of familial property, the decisions concerning the property are a right of the brother or the maternal uncle of the family. Further, traditionally Meghalaya has a system of village council known as *Dorbar*. In this council, women were not allowed to be a part of it and currently only in a few village councils, women are seen to participate. The chief of the council has mostly been men and the position to date is known to be the ‘headmen’. This indicates the patriarchal nature of these village councils.

Moreover, concerning violence and injustice meted out to women, most of the respondents mentioned the problem of abandonment of women, single parenting and domestic violence. One of the respondents stated that the problem of abandonment of women is due to the absence of the provision of registration of marriages (Mary, Meghalaya, July 16, 2016). This study also finds that in Meghalaya women are victims of acute forms of domestic violence usually inflicted by husbands. The Shillong Times (2014) reported that Meghalaya tops in domestic violence (2014, para.1). Further, the reported crime against women in Meghalaya recorded a total of 326 crimes in the state. Journalist and author Patricia Mukhim says it's a fallacy to believe that women in Meghalaya are safer, despite their matrilineal tradition. The traditional institutions do not allow women to hold office (Deka, 2017, para.3).

In this purview the position of women in Meghalaya is found to be secondary, marginalised and subjugated. It brings to light that despite being a matrilineal and matrilocal society the state is not free from patriarchal norms and ideals. Henceforth, with androcentric ideals, the pyramid of gender hierarchy exists in Meghalaya which subjects women to an inferior and secondary position.

2.3.6. Records of Human Trafficking in Meghalaya:

The state of Meghalaya is pushing below the poverty line, due to which it becomes easily susceptible to the multi-forms of human trafficking (Editor, 2019, para.1). The forms of trafficking that are rampant in the state are girl trafficking and labour trafficking. It has been reported that girl trafficking is on the rise in the state (Editor, 2019, para.2). Another type of trafficking which is rampant in the state is labour trafficking. The state has witnessed the trafficking of small bodies to enter into the rat holes in the coal mines (Wangchuk, 2018,

para.21). Thereby, Meghalaya acts as a source, transit and destination site for the crime of human trafficking.

Children from its neighbouring countries such as Bangladesh and Myanmar are trafficked to work in the coal mines. Further, a recent trend of trafficking in Meghalaya shows a reverse movement of the victims of trafficking. A respondent said that this is a recent development in the operation of trafficking in India and Nepal. Victims were earlier trafficked from Nepal to India. The recruiters initiate the process of false documentation of the victims. Thereafter, they are “trafficked to the Middle East” or other Southeast Asian countries (Heena, Meghalaya, July 7, 2016). Further, reporting on human trafficking in Meghalaya outlay that after Assam it has been the largest state with the problem of child trafficking (The Shillong Times, 2018, para.2).

2.4. CONCLUSIONS:

Therefore, the socio-economic outline of the states of Assam and Meghalaya shows that the states lay a fertile ground for the crime of human and sex trafficking. The rising population, the lack of education and poor economic backgrounds in both the state render girls and women vulnerable to sex trafficking. The peculiar geographical locations and the unique demography also expose girls and women into the trap and network of sex trafficking.

Further, although women in both the states are bound by different social systems- Assam being patrilineal and patrilocal and Meghalaya being matrilineal and matrilocal yet the chapter shows that the position of women in both the states is inferior, subordinate, and secondary to its counterpart. Therefore, the states function under different forms of patriarchal ideologies that have their implications in socio, political and economic manifestations of the state. This henceforth has its effect on the growing incidences of trafficking for commercial sexual exploitation.

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CHAPTER-III

THE STATE RESPONSES ON HUMAN AND SEX TRAFFICKING: THE POLITICS

3.1. INTRODUCTION:

The present chapter deals with the state responses to human and sex trafficking and the intrinsic politics of it. It argues that the systems of punishment that are essentially rooted in the conditions of power are based on the violations of laws. The gambit of laws is encircled within the mechanism of prohibition and the circuit of power (Tambe, 2009, p. 122). This chapter is a critical analysis of the penal system designed against human trafficking. It seeks to examine the rationale for enacting and implementing the laws against human trafficking. This chapter hence is a study of the penal system designed to challenge the phenomenon of human trafficking. It deals with the state's manifestation of power to regulate and control human and sex trafficking.

This chapter draws from Foucault's theorisation of the penal system, in which law is conceptualised as an institution of penological reform (Tambe, 2009, p.144). At the hands of the sovereign state, law is an institution of coercive power. It provides the ultimate power to control, monitor and regulate its subjects (Tambe, 2009, p. 12). Within the context of the law as a penological reform and a coercive power of the State this chapter tries to look into the history of laws on human trafficking which could be traced from the 19th century and early 20th century. By documenting and analysing the laws on human trafficking this chapter tries to examine and understand whether this coercive power of the State is successful in regulating and controlling the illegal trade in human beings. This chapter is divided into three parts- the first part gives the international chronological account on the laws on human trafficking, the second part deals with

the anti-trafficking response in India, and the third part critically analyses the rationale, objectives and the purpose of the anti-trafficking regime.

3.2. CHRONOLOGICAL DISCUSSION OF THE LAWS ON TRAFFICKING:

Sex trafficking is one amongst the wide array of gender-based violence and henceforth is a human rights violations. It denies girls and women the right to freedom, right to live and are violated physically, psychologically and sexually. To address the problem the responses of the anti-trafficking regime could be divided into three parts- the laws on prostitution in the late nineteenth century, laws that particularly focused on trafficking in girls and women for prostitution, and laws that included trafficking for purposes other than prostitution. The following is a chronological discussion of the laws. The elaboration below do not intend to exhaustively discuss in detail the clauses of the international agreements, conventions, protocols or declarations relating to trafficking rather the following highlights the clauses pertaining to the present research.

3.2.1. Contagious Diseases Act (1864):

The Contagious Diseases Act (CDA) was drafted, executed and implemented to control the spread of venereal diseases, such as the ‘syphilis’. CDA enabled the states to set up ‘lock hospitals’ for prostitutes who tested positive for any venereal diseases. The prostitutes were locked for an indefinite period in these hospitals. The two-fold purpose of the law- a) control the spread of contagious diseases, and b) control the sexuality of women (Tambe, 2009, p. 26). The act was enacted to medically regulate the prostitutes. The most important aspect of the act was to ensure that the ‘innocent population’- ‘men and innocent wives were free from diseases’ (Tambe, 2009, p. 31). The act led to unprecedented surveillance over the prostitutes. This act forced prostitutes to act according to the whims and coercive power of the State.

The Contagious Disease Acts (CDA) was implemented in India in 1868 (Tambe, 2009, p. 31). In India, the rationale for implementing CDA was to control the spread of syphilis. Tambe (2009) argues that European soldiers and sailors brought the disease in the 16th and 17th centuries (p.29). It was conceived by the state as a medical threat to the army. The colonial state conceived that the bearers of venereal diseases were Indian prostitutes. Therefore, preventing European soldiers and sailors from getting infected with the venereal disease became crucial for the Government.

Hence, the Indian colonial state adopted Contagious Disease Acts (CDA), under which it made exclusive brothels for European soldiers and sailors. Such brothels were medically monitored with regular body checkups of the prostitutes. Further, these brothels had European women who exclusively served the sexual needs of European men (Tambe, 2009: 29). It controlled and regulated the brothels and the prostitutes. The implementation of CDA in India was an attempt of the conservative colonial rule to preserve, control and regulates women's bodies. The spatial allocation of 'prostitutes' along racialised lines was a dimension of CDA that was successful in India (Tambe, 2009, p. 52). However, the CDA was repealed in 1888.

3.2.2. White Slave Traffic Act (1910):

On 25 June 1910, the White Slave Traffic Act came into effect. It was enacted against the white women being trafficked for prostitution. This act didn't make a distinction between coercive and consensual prostitution. The following is a critical overview of the provision of the act:

Article 1 of the White Slave traffic Act specifies that the authority concerned shall obtain information about women and girls transported with a view for debauchery. Article 2 of the Act stipulates that the government should seek supervision in the stations, harbours of embarkation and on the journey to where the conductors procure the girls and women for debauchery. Article

3 of the Act includes the right of the Government to record the foreign nationality of girls and women who practice prostitution. The government seeks to collect information about the inducer. The received information is then sent to the country of origin and then the eventual return is ensured. In the case that a girl or a woman has no husband, guardian, or any relation to pay for the return, the destination country will make arrangements under Article 4 and bear the expenses of their return. Article 5 will guarantee that Articles 3 and 4 do not contravene the special provisions of a special convention between contracting governments. Article 6 states that the government should keep supervision on the agencies that procure girls and women for prostitution. Article 7 states that the non-signatory countries should adhere to the arrangements of the act (Chapter VII. Traffic in Persons, n.d. p. 2).

Therefore, a critical gender analysis of the above makes it imperative to take into account the time at which White Slave Traffic Act was enacted. In the history of human civilisation the early 20th century is an important period since the structures of ‘desirable sexuality’, ‘productive sexuality’, ‘patriarchy’, ‘class hierarchy’, ‘racial hierarchy’ and others were getting firmly rooted in the society. It is in this context that the White Slave Traffic Act could be argued as an outcome of the Victorian standards of ‘monogamous legitimate heterosexuality’. The Act became necessary to be enacted since women’s sexuality was freely manifested within the institution of prostitution, which gradually then began to be questioned by the society that was strictly guided by the norms of ‘compulsory and productive heterosexuality’. Anxiety over sexuality pervaded in the society.

Therefore, prostitution amongst white women led to a moral panic in the ‘white Victorian society’. It was unacceptable to the ideal that white women were moving for consensual prostitution. The inherent patriarchal norms ingrained in the society conceived that white women

moving for prostitution questioned the integrity and the supremacy of the white race. The society conceived, comprehended and articulated that all prostitution is forced. The question of consensual prostitution was out of the purview of an investigation by the state mechanisms. Stories and narratives of innocent white girls of being physically and mentally violated, coerced and lured in the name of love, friendship, job to enter the business were circulated to create fear and anxiousness amongst white women and the society at large. The enslavement of white girls and women for prostitution was conceived to be highly organised and corporate activity.

In response to the above the White Slave Traffic Act was primarily initiated by moral reformers (as cited in Sharma, 2005, p.98). The campaign against White Slave Trade was guided by patriarchal and gendered norms. They were identified as mothers whose responsibility was to produce the white nation (Sharma, 2005, p. 98). Hence, the categorisation of women as mothers had an emotional and moral quotient, which led to the enactment of the White Slave Traffic Act. Further, with respect to the White Slave Traffic Act, there were two international instruments with the same title “The International Agreement for the Suppression of the White Slave Traffic” which were enacted in 1904 and subsequently in 1910 (Sharma, 2005, 98).

Therefore, the above critical discussion of the first-ever formal anti-trafficking laws is seen to have racial ideologies. The first draft of the White Slave Traffic Act was an anti-miscegenation law. Further, in the Indian colonial state, it was implemented to prevent the pollution of the pure white bloodline. It was done so by preventing white women in getting sexually involved with the colonised men. In the western context, such as in Canada the law was implemented to prevent non-White families in Canada (Sharma, 2005, p.99).

3.2.3. League of Nations (1919):

The first ever international attempts to investigate women's rights and sex trafficking were initiated by the League of Nations in 1919. It mandated both Governments and non-governmental organisations to submit reports on practices of prostitution in various countries (Marcovich, n.d.). The League of Nations followed the abolitionist school of thought which reflected in its linking of prostitution, pornography and sex trafficking as "obscene publications" (Marcovich, n.d.).

Year after the initiation of League of Nations, it adopted – "The International Convention to Combat the Traffic in Women and Children of 1921" (Chapter VII-Traffic in Persons (a), n.d. p.1). It was the result of the suggestions made at the International Conference summoned by the League of Nations (Chapter VII-Traffic in Persons (a), n.d. p.1). It pronounced trafficking in women and children as an international problem that henceforth needs a collaborated effort for its redressal. The "1904 Agreement and 1910 Convention" was not replaced, rather it supplemented the earlier convention (Kneebone and Debeljak, 2012). The Convention aimed to 'secure more completely' 1904 Agreement and the 1910 Convention (Chapter VII-Traffic in (a), n.d. p. 1). The addition that the Convention made to the 1904 Agreement and the 1910 Convention is that it added children of both sexes and also raised the age of consent from 20 to 21 years. The 1921 Convention entailed a coordinated effort from the state parties to punish 'attempted trafficking' and also redressing conditions and situations that lead to the facilitation of trafficking (Kneebone and Debeljak, 2012, p. 48). The Convention sought to regulate and administer the operation of employment agencies and offices so to secure the fortification of women and children seeking employment abroad (Chapter VII-Traffic in Persons (a), n.d. p. 5).

An analysis of the Convention brings in two issues - 1) The Convention was the first ever attempt to control and regulate women's mobility and agency, 2) The Convention was first ever international attempt towards targeted immigration and emigration (Kneebone and Debeljak, 2012, p.48). The Convention directed the contracting parties to adopt administrative and legislative measures to check the traffic in women (Chapter VII-Traffic in Persons (a), n.d. p.5).

However, built on the recommendation of the "Traffic in Women and Children" Committee, the 1933 Convention (The International Convention for the Suppression of the Traffic in Women of Full Age) was formed (Chapter VII. Traffic in Persons (b), n.d., p.3). The League of Nations formed the Convention to completely tighten the suppression of the traffic in women and children (Chapter VII. Traffic in Persons (b), n.d., p.3). The present Convention aims to encompass and complete the Agreement of 1904, the Conventions of 1910 and 1921 (Chapter VII. Traffic in Persons (b), n.d.). The Convention retained the definition of trafficking contained in the 1910 Convention. Further, it amalgamated the criminalisation provision contained in the Agreement of 1904, the Conventions of 1910 and 1921 (Chapter VII. Traffic in Persons (b), n.d.). The 1933 Convention had broadened the term 'country'. The term 'country' in the 1933 Convention included 'colonies', 'protectorates', and territories. The present convention required the state parties to exchange useful information regarding procurers. Therefore the provisions of the 1933 Conventions were similar to the provisions of its predecessor Agreements and Convention. However, the Convention provided for offenses relating to prostitution (Kneebone and Debeljak, 2012, p. 51). Therefore, through the Conventions of 1921 and 1933 the League of

Nations internationally introduced a coordinated effort to address the problem of traffic in girls and women.⁹

3.2.4. Convention for the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others (1949 Convention):

Two major inquiries by the League of Nations in 1927 and 1932 led to the emergence of the idea of the convention on the suppression of trafficking and prostitution (Marcovich, n.d.). Post-World War II, the convention was adopted by the United Nations in 1949. The principle foundation of its emergence lies in the abolitionist feminist movement in England which was initiated by Josephine Butler in 1866 (Marcovich, n.d.). She argued that sex trade is one of the major sites of women's oppression and thereby stated it to be a modern form of slavery. She stated about the correlation between prostitution and slavery.

The following is a discussion of the major outline of the convention:

- The preamble of the Convention states that prostitution and sex trafficking are incompatible with the dignity and integrity of the human person and jeopardise the well-being of individuals, families and communities (Convention for the Suppression, 1949, p. 1).
- It stretches the scope of the Conventions of 1904, 1910, 1921 and 1933. It is consolidation as well as an alteration of the previous instruments (Convention for the Suppression, 1949, p. 1).

⁹ Universal Declaration of Human Rights (1948): The Declaration confirms in Article 1 and 2 that all human beings are born unfettered and everyone irrespective of race, colour, sex, language, religion, is entitled to all rights and freedom (United Nations, 2015, p. 4 and 6). Article 4 of the Declaration clearly states that "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms" (United Nations, 2015, p. 10).

- The provisions of the Convention's neither recognise women as criminals in prostitution nor penalise them. Women in prostitution are instead given the status of 'victims' (Convention for the Suppression, 1949, p. 1).
- Article 1 of the Convention seeks to punish procures (traffickers or recruiters) who entices or leads away another person for the purpose of prostitution (Convention for the Suppression, 1949, p. 1).
- Under this Convention, brothel-keeping was considered as a punishable offense (Convention for the Suppression, 1949, p. 2).

An analysis of the articles enshrined in the 1949 Convention shows that it followed the principles of the abolitionists' school of thought, i.e. the convention sought to abolish prostitution. The Convention did not directly attempt to prohibit prostitution; however, it laid down provisions against factors that facilitated prostitution. This is evident in the principles of abolitionism found in Article 2 which prohibits brothel keeping (Convention for the Suppression, 1949, p. 2). The convention does not allow its member states to make prostitution legal or regulate it (Marcovich, n.d.). Moreover, Article 6 of this convention negates 'prostitution as labour, economic sector or as legally regulated work' (Convention for the Suppression, 1949, p. 2).

Therefore a reading of the 1949 Convention reflects the influence and impact of the second wave of feminism on prostitution. It 'became to be reformulated as an exploitative institution' in which women are reduced to sexual commodities (Kneebone and Debeljak, 2012, p.50).¹⁰

¹⁰ International Covenant on Civil and Political Rights (1966): Articles 7, 8,9,12, and 23 of the International Covenant on Civil and Political Rights addresses the problem of trafficking. The most significant is Article 8. It entails the prohibition of serfdom in all forms. The Covenant under Article 8 prohibits forced and compulsory labour (United Nations Human Rights, 1966). Article 7 addresses the exploitation and torture inflicted on trafficked victims. It states that no one undergoes torture or inhuman or degrading treatment or punishment (United Nations Human Rights, 1966, para.13). Article 9 and 12 of the Covenant confirm that all human beings are entitled to

3.2.5. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (1979):

CEDAW of 1979 is a comprehensive convention to end all kinds of discrimination against women. It primarily focuses on gender based violence- domestic violence, forced marriage, dowry death, female genital mutilation, acid attacks, and compulsory abortion and sterilisation. Kneebone and Debeljak, (2012) stated that- “The general focus of CEDAW is on non-discrimination and equality, the elimination of social and cultural stereotypes, and equal participation in political and public life” (p. 52). Further, in regard to trafficking in persons, CEDAW had made a departure from the earlier conventions and agreements and had identified it as a gender-based violence and had stated trafficking in persons to be an organised crime and a violation of human rights.

Article 6 of CEDAW specifically deals with trafficking and prostitution- “States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women” (CEDAW, 1979)

Article 16 of the Convention ensures that the state provide free right to choose spouse and marriage at unrestricted and ‘full’ consent. The article though is not directly addressing trafficking, however it addresses an important dimension of trafficking that is coerced marriage which occurs in countries like India (Haryana), China and other parts of the world.

General recommendation No. 19 of the 11th session in 1992 outlined the following:

- Sex tourism, organised marriages are the novel methods of sexual exploitation which has led to trafficking in women.

liberty, freedom of movement and no one shall be deprived of it (United Nations Human Rights, 1966). The Covenant in Article 23 addresses that marriage should be conducted with free choice and consent.

- CEDAW acknowledged that since prostitution lacks social and legal status hence it is vulnerable and susceptible to violence. Hence CEDAW argues that prostitutes be secured with laws on rape and other forms of violence.
- The Committee suggested that wars, armed conflict and territorial occupation frequently resource increased prostitution, trafficking of women and sexual harassment of women, which require effective protective and punitive measures (General Recommendation CEDAW, 1992, para. 93).
- The Committee recommended that member states take specific preventive and punitive measures to battle trafficking and sexual exploitation (General Recommendation CEDAW, 1992).
- The State Parties shall report on the trafficking and problem, extent, and measures of sexual abuse. It necessitates that state parties report the committee on the necessary rehabilitative measure adopted to protect rescued trafficked women and women subjected to other forms of sexual exploitation (General Recommendation CEDAW, 1999).¹¹

¹¹ Convention on the Rights of the Child (1989): The Convention on the Rights of the Child (CRC) has articles 11 (the illicit transfer of children abroad), 32 (economic exploitation), 34 (sexual exploitation), 35 (sale and trafficking of children), and 37(the torture, inhumane and degrading treatment) to suppress trafficking in person for sexual exploitation (United Nations Human Rights, 1989). The articles advance “the state parties to take” all necessary measures to prevent illicit transfer, abduction, sale, or traffic of children for any purpose or in any form and ensure that the state parties provide protection to children from sexual exploitation (United Nations Human Rights, 1989).

The International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990): The phenomenon of human trafficking is discussed in Article 8, 10, 11 and 16 of the Convention. A part of Article 8 and 16 states that migrants have a right to freedom, liberty, and security of person, while article 10 prohibits torture, cruelty, inhuman or degrading treatment or punishment, article 11(1) directly addresses trafficking by prohibiting slavery and servitude, article 11(2) prohibit compulsory and forced labour and article (United Nations Human Rights, 1990, para. 44, 47, 48, 49, & 69)¹¹.

Worst Forms of Child Labour Convention (No. 182) (1999): The Convention was adopted to eradicate the worst forms of child labour. Article 3(a) of the Convention specifically deals with trafficking in children. Article 3 (a) identifies slavery and trafficking of children for prostitution as the worst forms of child labour. It states that all modes of slavery, like the trade and trafficking of children, debt bondage and serfdom, forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; or procurement or offering of children for prostitution, pornography are the vilest types of child labour (ILO, 1999, para.14).

3.2.6. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (2000):

The United Nations Convention against Transnational Organised Crime is supplemented by two protocols- 1) Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children” and 2) Protocol against Smuggling of Migrants by Land, Sea and Air (UN, 2000).

The Protocol on trafficking is the comprehensive international provision on trafficking in persons. It is an international approach to combat, prevent, punish and suppress trafficking. It has been observed in the above discussion that a wide array of international instruments whether directly or indirectly dealt with trafficking in person, however, none of the international instruments had comprehensively encompassed and addressed all the aspects of trafficking in persons (United Nation, 2000, para. 1-2)

The drive of this protocol is primarily to combat and prevent trafficking in persons, particularly trafficking in women and children. Further, it aims to guard and assist the human rights of the victims of trafficking and lastly to achieve its objectives the protocol seeks to promote the cooperation of the State Parties (United Nations, 2000, para. 7).

The classification of trafficking in the protocol is the first ever comprehensive definition of trafficking. As discussed in Chapter I the definition of ‘trafficking in persons’ in the protocol has three components- The first is ‘what constitutes human trafficking’, second by ‘what means are victims of trafficking recruited, transferred, harboured or received’, and third for what purpose victims are trafficked. Article 3(a, b, c, and d) clearly defines the terms used in the protocol for trafficking of persons.

Article 5 of the Protocol dispense with the criminalisation of the phenomena of trafficking in persons¹² (United Nations, 2000, para. 12-13). Article 6 of the Protocol is dedicated to providing help and support to the trafficked victims. Clause one of Article 6 addresses the fortification of the identity and privacy of the victims of trafficking in persons. Clause 2 of Article 6 deals with the court and administrative proceedings in which the State party shall ensure that within its domestic and legal system the views and concerns of the victims are considered (United Nations, 2000, para. 14-15). Research on trafficking in persons has found that victims of trafficking undergo deep physical and psychological violence, thereby Clause three deals with this important dimension on trafficking. It states that State Party shall take appropriate measures to provide for “physical, psychological and social recovery of victims of trafficking in persons” (United Nations, 2000, para. 16); which, could be achieved by providing “appropriate housing” (para 16); counseling, “medical, psychological and material assistance, employment education and training opportunities” (para 16). Therefore, the protocol attempted to have a comprehensive approach to human trafficking.¹³

3.2.7. Trafficking Victims Protection Act (2000):

Apart from signing and ratifying the Palermo Protocol, The United States of America, had designed the following federal legal mechanisms to fight trafficking in persons:

¹² According to article 5, State party shall necessarily adopt necessarily legislative and other measures to establish the phenomenon as a criminal offence. State party shall also adopt legislative and other measures to legally bind persons committing participating or directing other persons to commit the offense (United Nations, 2000, para. 12-13).

¹³ Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000): The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography is enacted to further implement the articles 1, 11, 21, 32, 33, 34, 35 and 36 (United Nations Human Rights, 2000, para. 1 & 2). Article 1 prohibits the sale of children, child pornography and child prostitution (United Nations Human Rights, 2000, para. 13). Article 2 has defined the phrases of ‘sale of children’¹³, and ‘child prostitution’. Article 3 considers the offering, delivering or accepting of a child for sexual exploitation, transfer of organs, forced labour, child prostitution and child prostitution as a punitive offense (United Nations Human Rights, 2000, para. 17, and 18).

- Trafficking Victims Protection Act, 2000,
- Trafficking Victims Protection Reauthorisation Act of 2003,
- Trafficking Victims Protection Reauthorisation Act of 2005,
- William Wilberforce Trafficking Victims Protection Reauthorisation Act of 2008,
- Trafficking Victims Protection Reauthorisation Act of 2011,
- Trafficking Victims Protection Reauthorisation Act of 2013.

A comprehensive federal act on trafficking in the United States was felt primarily for the following reasons:

- Increased magnitude of the problem.
- Inadequacy in the then existing laws and legislation
- (U.S. Department of State, 2000, Division A, para 16).
- No laws to penalise the spectrum of trafficking crimes (U.S. Department of State, 2000, Division A, para. 16)
- “...weak penalties for convicted traffickers” (U.S. Department of State, 2000, Division A, para 17).

The above factors were significantly debated by various congressional committees¹⁴ that led to the crafting of the Trafficking Victims Protection Act, and its ensuing amendments (O’Brien & Wilson, 2015, p. 125). It is “the first comprehensive federal law to address trafficking in persons” (National Human Trafficking Hotline, n.d., para. 1). It was designed and enforced during the then U.S. President Bill Clinton’s Administration. The act is the consequence of strong lobbying by Christian fundamentalists and Prostitution Abolitionist Feminist (Dell, 2012,

¹⁴ Congressional Committees means “means the Committee on Foreign Relations and the Committee on the Judiciary of the Senate and the Committee on International Relations and the Committee on the Judiciary of the House of Representatives” (U.S. Department of State, 2000, Definitions. para 1).

p.272). They argued that all women involved in prostitution are victims of sex trafficking and hence the state response ought to be to uproot the commercial sex industry. Moreover, this Act is “largely centered on a distinction between “forced” and “voluntary” prostitution” (O’Brien & Wilson, 2015, p.126). The purpose of the TVPA of 2000 is to battle trafficking, punish traffickers and protect victims of trafficking. Thereby, TVPA of 2000 is primarily premised on 3Ps, which are prevention, protection, and prosecution.

The highlight of the TVPA is “Sec 104” which is pertinent countries receiving “financial assistance” (U.S. Department of State, 2000, Prevention. para 1). Due to its conditions levied on ‘financial assistance’ the TVPA has greater implications on countries that neglect the base guidelines of the act. Further, sec. 106 of the act is enshrined to prevent trafficking in persons. Sec. 106 states that the President of the United States “shall establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking” (U.S. Department of State, 2000, Prevention. para 1).

Sec. 110 is important to countries in which ‘minimum standards for the elimination of trafficking’ is applicable. It states that actions would be taken against governments which fail to comply with minimum standards (U.S. Department of State, 2000, Action. para 1). The annual report produced by the Trafficking in Persons office shall include lists of those nations which do not conform to the standards to end trafficking ¹⁵. Countries failing to meet these standards are

¹⁵ The lists as laid by Sec. 110 are: A list of countries that fully comply with the minimum standard for the elimination of trafficking; A list of countries that do not yet fully comply with the minimum standards for the elimination of countries, but make substantial efforts to meet the standards of elimination of trafficking; A list of countries that do not yet fully meet the minimum trafficking elimination standards and do not make significant attempts to meet the trafficking elimination standards (U.S. Department of State, 2000, Action, para. 2, 3, 4, & 5).

withhold from “non-humanitarian” and nontrade related assistance (U.S. Department of State, 2000, Action. para 11)¹⁶.

Sec. 111 of the Act deals with the prosecution and penalisations of persons involved in severe forms of trafficking in persons (U.S. Department of State, 2000, Action against significant traffickers. para 1). Sec 112 strengthens prosecution and punishment of traffickers. Thereby, traffickers shall be subjected to 10 years of imprisonment and inserting of 20 years. Further, if death is caused to a victim, the trafficker may be subjected to imprisonment for life or for any number of years and finally inserted in the end (U.S. Department of State, Action Strengthening, 2000, para. 1, 2 & 3). Persons involved in the trafficking of persons for forced labour peonage, slavery, or involuntary servitude would be fined or imprisoned for not more than 20 years or shall be subjected to both. In case of death of the victim of forced labour, trafficker or traffickers involved shall be fined or imprisonment for life or any number of years or may be subjected to both (U.S. Department of State, Action. Forced labour & Peonage, 2000, para. 4 & 1).

Persons involved in the sex trafficking of persons who had not attained the age of 14 years would be fined or subjected to imprisonment for life or for any number of years or may be subjected to both, trafficking of persons who had not attained the age of 18 years would be fined or subjected imprisonment for not more than 20 years or shall be subjected to both (U.S. Department of State, 2000, Action. Sex trafficking. para. 3 & 4). Persons involved forging documents for furthering trafficking of persons for forced labour peonage, slavery, or involuntary servitude or who

¹⁶ the Act states that the President will instruct the United States Executive Director of each multilateral development bank and of the International Monetary Fund to vote against, and to use the Executive Director's best efforts to deny, any loan or other utilisation of the funds of the respective institution to that country (other than for humanitarian assistance, trade-related assistance, or development assistance that addresses basic human needs, is not provided by the government of the sanctioned country and does not confer any gain on that government) for the following fiscal year, until such government meets the minimum requirements or makes substantial attempts to comply with them (U.S. Department of State, 2000, Intervention. para 13).

prevents or restricts or attempts to prevent or restrict without lawful authority the liberty of persons who are victims of severe forms of trafficking in persons to move would be fined or subjected to imprisonment for not more than five years or may be subjected to both (U.S. Department of State, Action. Unlawful. 2000, para. 1 & 2).

The TVPA is the United States federal law to deal with the crime of trafficking in persons. Both Bush and Obama's administration had influenced the execution of the TVPA differently. While Bush administration was anti-prostitution, abolitionist; Obama's administration had laid much focus on the different forms of labor exploitation, and a "greater understanding of the gendered complexities of trafficking" (O'Brien & Wilson, 2015, p. 133). Although a federal act, it has greater importance and relevance to the countries receiving financial assistance from the United States¹⁷.

3.2.8. Evolving of Laws from White Slave Traffic to the Palermo Protocol:

The racialised ideology ingrained in the "White Slave Traffic Act" was changed in the subsequent acts against human trafficking (Sharma, 2005, p.100). These acts constructed the trafficker as one who is a part of 'foreign criminal syndicates'. These traffickers affirm their masculinity over weak innocent women (Sharma, 2005, p.100). Also, the narrative of a victim of trafficking underwent multiple changes from 1904 to 2000.

¹⁷ Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2002): In the present context, the trafficking of children in armed groups has been a worrying concern for the entire global society. The Optional Protocol to the Convention is specifically adopted to protect children in situations of armed conflict (United Nations Human Rights, 2000, para. 1, 2 and 4). This protocol in article 4 seeks to address the trafficking of children. It lays provisions against employment of people below 18 years of age in armed groups (United Nations Human Rights, 2000, para.26 and 27).

The contemporary victim of trafficking is no longer an ‘innocent white maiden’. Rather the contemporary construct of a victim of trafficking is an innocent, “poor, uneducated woman”, who is coerced or forced into the sex work (Sharma, 2005, p.100). From a working class white woman to impoverished women from the global South, there is a shift in depicting them (Sharma, 2005, p.101). A new victim has been produced who is a migrant women from the third world. Therefore, the racial feminist stigma toward has led to the perception that every movement of women to work in the sex sector is a moment of trafficking (Sharma, 2005, p.102).

From 1904 to 2000 the debate of human trafficking underwent a multitude of changes. For the longest time, it was understood within the gendered context of trafficking for prostitution; however, the United Nations protocol on trafficking broadened its understanding. Nonetheless, an analysis of the present laws still finds an overemphasis on the trafficking of girls and women for prostitution.

3.3. ANTI-TRAFFICKING CRUSADE IN INDIA:

History of anti-trafficking laws in India can be traced back from the Police Regulation of 1827 which, was binding only to erstwhile Bombay. According to it ‘enticing’ ‘carrying away’ women and girls into prostitution was considered a crime (Tambe, 2009, p.28). Tambe argues that for the British state and society not so much the activity of prostitution was criminalised, rather the concern was the deprivation of husbands of their wives and daughters (Tambe, 2009, p.28).

Therefore, the historical backdrops of methods implemented against trafficking in India began with the surveillance of ‘Indian Prostitutes’ since the 1870s and 1880s with the introduction of Contagious Diseases Acts. (Tambe, 2009, p.52). The beginning of the anti-trafficking era in India deemed commercial dealings in women from India as less important and levied more concern over the trafficking of women from Europe (Tambe, 2009, p.123).

Henceforth, laws on sex trafficking in India can be traced down to 1827. If we follow the context of the Palermo Protocol then historically one could state that sex trafficking was legal in India (Tambe, 2009, p.14). In India, sex trafficking was formally seen as a crime in 1860 (Tambe, 2009, p.28). This code was first drafted by Thomas Macaulay in 1837. It took twenty years to consider the prostituting of minors as a criminal offense (Tambe, 2009, p.28).

Prior to the Suppression of Immoral Traffic Act of 1956, India always had laws on trafficking that rendered procuring girls for prostitution, pimping and soliciting illegal (Tambe, 2009, p. xii). The term solicitation if critically viewed it can be taken in parallel with the rape narrative, where the reason for rape is attributed to a woman's dress, behavior, time and others. Similarly, if women solicit it is very natural for men to attract men because of their uncontrollable sexual desire.

The anti-trafficking period began the abolitionist act of Suppression of Immoral Traffic Act of 1956. It was premised on the argument of abolition of prostitution as the necessary condition to solve the problem of sex trafficking. However, the laws of this phase only targeted women, brothel owners, pimps and customers. This law was revised in 1986 with the Immoral Traffic Prevention Act with minor changes. Unlike the Suppression of Immoral Traffic Prevention Act, it did not criminalise the sex workers.

Apart from the premier legislation against human trafficking, India also had various constitutional provisions and sections "under the Indian Penal Code (IPC)" (Labour Exploitation Accountability Hub, n.d.). Under Article 23 (1) prohibits forced labour and commercial dealing in human beings (Labour Exploitation Accountability Hub, n.d.).). It states that trafficking and other similar types of forced labor are prohibited and any violation of this provision shall be punishable by law (Labour Exploitation Accountability Hub, n.d.). "Article 24 of the

Constitution” forbids the work of children (below 14 years) in factories or mines or some other type of perilous work (Monica, 2019). Section 366 A of the IPC states that convincing a minor girl (under the age of 18 years) to accompany a place to force or seduce into ‘illicit intercourse’ with another person is a punishable offence. Section 366 B makes trafficking of girls under 21 years a punishable offence (Monica, 2019). Section 374 prohibits the unlawful force and coercion to compel any person to work against his/her will (Monica, 2019). Further, section 372 prohibits the selling of minor girls for the purpose of prostitution (Central Government Act, n.d. para. 1). Article 373 cogitates the purchasing and selling of the minors for the aim of prostitution or unlawful intercourse (Central Government Act (a), n.d. para.1). Apart from these sections of IPC, there are a few more sections which indirectly addresses to the problem of human trafficking- 360, 361, 365, 363-A, 368, 339, 340,341, 342,343, 344, 346, 347 (Government of India, 2008, p. 14, 35, & 36). Moreover, India had drafted and implemented other acts which address the problem of traffic in person- “Bonded Labour System (Abolition) Act, 1976, Prohibition of Child Marriage Act, 2006, the Transplantation of Human Organs Act, 1994, and Child Labour (Prohibition and Regulation) Act, 1986” (Ministry of External Affairs, n.d. para. 5).

India has also designed the Ujjawala scheme to specifically handle the issue of trafficking in India. The components of this scheme are - a) prevention, b) rescue, c) rehabilitation, d) reintegration and e) repatriation of trafficked victims. The Ujjawala scheme has allocated an annual amount of Rs. 1.00.000 to the implementing agencies to prevent trafficking in girls and women. The scheme has earmarked an annual amount of Rs. 23,500 to rescue victims of trafficking. To rehabilitate victims of trafficking for “Grade A cities (Delhi, Chennai, Mumbai, Kolkata, Hyderabad and Bangalore)” and Grade B cities (cities other than Grade A) an annual

amount of Rs. 26, 43,500 and Rs. 25,23,500 is allocated to the implementing agencies respectively (MWCD, n.d. p.4, 5, 6, & 7). The implementing agencies are allocated an annual amount of Rs. 1,24,500 for the reintegration of victims of sex trafficking. To promote repatriation procedures the implementing agencies receive an annual amount of Rs. 25000 (MWCD, n.d. p.4, 5, 6, & 7). This scheme is central to India's study of sex trafficking as most civil society organisations are working and functioning under this Ministry of Women and Child Development scheme. This scheme is central to India's study of sex trafficking, as most civil society organisations are working and functioning under this MWCD scheme.

Although an evaluation of the “laws on trafficking in India” finds that it has not declared commercial sex as illegal, nonetheless provisions of the laws seem to largely criminalise sex workers (Tambe, 2009, p.129). Also, as the sections and provisions are mostly restricted within the binaries of licit and illicit one finds a profound moral bending. The laws are framed within the legitimate heterosexual connotation of permitted sexuality.

3.4. A CRITICAL ANALYSIS OF THE NATIONAL AND INTERNATIONAL LAWS ON HUMAN TRAFFICKING:

Since sex trafficking is gender-based violence against women this discussion begins with an articulation of violence against women as a human rights violation and proceeds to articulate that sex trafficking is a gross infringement of “human rights of women and children” (Kapur & Crossman, 1996, p. 11). This henceforth is followed by a critical “feminist engagements” of the laws on human trafficking (Kapur & Crossman, 1996, p. 11).

3.4.1. Violence against Women:

One of the pioneering works on women by the United Nations was the evolving of the Commission on the Status of Women (CSW) in 1945 (Information Note, n.d. para. 5). Another important legal instrument created by the United Nations was the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979 which was designed solely to address all forms of discrimination against women (Information Note, n.d. para. 5)

Years 1993 and 1994 is integral to women's movement since it marks a period when the violence against women became a human rights violation. Therefore, to perceive the underpinnings of the struggle to make violence against women come under the scope of international debate and within the debate of human rights violation one has to delve into the world women conferences that itself was a landmark success in the history of women's movement.

However, there were bodies and conventions such as CSW and CEDAW which made significant contributions in addressing discriminations against women before 1993 and 1994, but none of them exclusively addressed victimisation of women (Information Note, n.d. para. 5). Further, though the first world women conference in Mexico (1975) did not mark on violence against women, however, the second world women conference in Copenhagen (1980) dealt with violence within the private space. Brutality against women as a serious concern emerged in the third world women conference in Nairobi (1985). The Conference addressed violence as a major obstacle to the achievement of the Decade's objectives of development, equality, and peace (Information Note, n.d. para. 5).

Therefore, with the inclusion of 'violence as a major obstacle' in the third world women conference violence against women caught international attention. Henceforth, the next major international response towards violence against women is the inclusion of general

recommendation No 19 by the CEDAW (General recommendations, 1992, para. 7). The recommendation clearly states that gender-based violence which disables or invalidates the enjoyment in human rights and vital freedom and opportunities by women is discrimination within the scope of Article 1 of the Convention (General recommendations, 1992, para. 7).

Further, the Vienna Conference is milestone in the history of women's movement since it was in the Vienna Conference that violence against women was declared as human rights violation. The Vienna Declaration and Plan of Action acknowledged that women's and girl's rights are human rights that are unassailable, and essential (p.6). The document emphasised that the elimination of violence against women in all areas of life, the public and the private, was central to the attainment of women's human rights p.3).¹⁸ (OHCHR, 2009,).

Since sex trafficking is a gender-based violence, therefore, the above mentioned discussion laid the background of the critical reading of the laws on human trafficking and whether the laws adequately address this gross violation of human rights that is meted out to the victims of trafficking.

3.4.2. Moral Panic:

The Foucauldian argument of laws as a tool of disciplining its subjects is applied to this particular study (Tambe, 2009, p.33). An analysis of the above brings to light the gendered ideologies of these laws to discipline socially stigmatised and sexually promiscuous women to be a part of the category of 'good women' (Tambe, 2009: 12).

¹⁸This was followed by the first ever international definition of what constitutes violence against women. It adopted the Declaration on the Elimination of Violence against Women (DEVAV). It gave a comprehensive definition on violence against women, therefore, according to DEVAV violence against women meant "any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (OHCHR, 2009, p.3).

A historical analysis of the laws on prostitution and sex trafficking makes one argue that the dichotomy of ‘respected womanhood’ and ‘promiscuous prostitute’ women became to be constructed with the initiation of colonial laws on prostitution. Tambe (2009) argued that the purpose behind the criminalisation of prostitution was an attempt by the colonial rule to maintain a new social order. It is channelisation by maintaining or regulating female sexuality, which is evidently present in the reform practices of the colonial rule- raising the age of consent for the consummation of a marriage, widow remarriage, and early marriage (1). “...colonial laws “buil[t] walls between the sexuality of women in the familial and extra-familial domains” (as cited in Tambe, 2009, p.11).

The laws henceforth brought discursively the notions of ‘pure and impure relations’. It valued the familial forms of relations and devalued women outside the network of familial relations. The history of maintaining the new sexual order began the laws of marriage- age of consent, its forms and the lines of descent, secondly, the notion of male as breadwinners became institutionalised with the Factory Acts, thirdly, regulating the sexuality of infants and children became a scientific concern, which hence led to the cause of raising the age of marriage, finally, the laws outside the relations of the family originated and it became necessary for the state to maintain the sexual order through the strict monitoring of these spheres- homosexuality, prostitution, and concubinage became a criminal offence in the eye of law (Tambe, 2009, p.11). “Nonmarried women of various kinds, especially prostitutes, widows, and entertainers were denigrated” (Tambe, 2009, p.11).

The initial laws to eradicate prostitution in India were directed towards abolishing the Devadasi system. The Indian judiciary’s first step was to deny temple dancers or Devadasi the right to temple property as well as right over their maternal property. The law also curtailed dancing

girl's property and adoption rights (Tambe, 2009, p.105). Further women's associations such as All India Women's Congress issued resolutions that supported legislative actions on banning brothels and preventing the dedication of Devadasis. These moral ideologies have immense implications on the anti-trafficking movement. It is found that a strong moral ideology dominates the narratives of the laws on trafficking.

If one delves into the rationale behind the enactment of the UN trafficking protocol and the TVPA, one finds that it was basically in the light of the fact that the then existing global laws dealt with only trafficking for commercial sex and was inadequate to address the advanced forms of trafficking (Chuang, 2010, p. 1660). The International human rights activists demanded a broader perspective on trafficking (Chuang, 2010, p.1662).

However, the anti-trafficking campaign though has widened the scope and definition of trafficking, however, a larger proportion of anti-trafficking activity stayed concentrated on dealing with sex-sector trafficking and prostitution (Chuang, 2010, p.1657). Furthermore, the gendered norms of society constantly render the movement of women in public spaces under surveillance. The moral panic predominantly present in the anti-trafficking campaign is evidently present in both national and international laws. For instance, Indian laws "Suppression of Immoral Traffic Act" which was amended to the Immoral Traffic Prevention Act has not declared commercial sex as illegal. However though these laws have not overtly mentioned yet the provisions of the laws seem to largely criminalise sex workers (Tambe, 2009, p.129).

3.4.3. Anti-trafficking Law Masquerading as Border Control Laws:

An important aspect of nation-states is to have stringent laws to control and regulate borders from infiltration. Globalisation, privatisation, liberalisation, and deregulation proliferated displacement, created a disadvantaged population, made precarious the position of the already

disadvantaged that led to the increase in the migration across borders. This was an alarming call for the nation-states to control the borders and prevent migration. This, consequently, frames the setting of the legitimacy of the anti-trafficking campaigns (Sharma, 2005, p.98).

The political will of the nation-states to limit immigration operated in the pretext of ‘protecting’ trafficked persons (Chuang, 2010, p. 1663). Therefore, the mechanisms were used as an alibi to restrict immigration. Since these borders have fostered a heavy influx of immigration, hence, this has become one of the concerns of many countries around the world. The states, since then, have been bothered about the increased infiltration of foreigners. They argue that this has led to the risk of the security of ‘innocent citizens’ (Sharma, 2005). Across the world, the states have adopted legal mechanisms to deter the immigration of foreigners. Countries have incessantly worked towards vehemently implementing the borders control laws.

Further, human trafficking, an ever increasing international crisis have been laid down with anti-trafficking laws and regulations. Hence, one of the compelling solutions to the problem is ‘securing the borders’ of the nation-states. The rationale that countries put forth is- a) secured borders would act as a preventive measure to human trafficking and b) it would place traffickers to greater risks of being arrested. This henceforth would act in restraining the illegal trade of human beings. In this backdrop it is manifested by the nation-states as a facilitator of anti-immigration laws, so to cast out the ‘dangerous foreigner’ (Sharma, 2005, p. 88). Similarly, Chuang (2010) argued that the political will of the nation-states to restrict immigration operated in the pretext of ‘protecting’ trafficked persons (p. 1663).

An analysis of the aforementioned drive is- through the anti-trafficking campaign the nation-state has cleverly sought to circumvent the national border controls. National and international security has vigilantly monitored migrant bodies. The rhetoric of securing the national

boundaries had led the nation-states to cast a blind eye on the disadvantaged, dislocated and underprivileged migrants who have resorted to moving outside the legal provisions of migration. This phenomenon is argued to be global apartheid where the flow of capital and some bodies are permitted across borders, while the bodies of others confront severe restriction (Sharma, 2005, p. 88).

Moreover, moral panic has been pervading the anti-trafficking campaign. This has resulted in overlooking the vulnerability of migrant women. Further, it oversees conditions of displacement, political unrest, dislocation, capitalism and others, under which human beings resort to migrating. It is absorbed in merely framing trafficked persons under two categories- 'criminal' or 'an innocent victim. This moral panic and overseeing of state violations legitimises the state control immigration practices.

The anti-trafficking campaign acts as an umbrella for implementing the xenophobic anti-immigration policies and laws of the nation-states. These strategies by and large negatively affect migrants, specifically women. Further, the ideology of the anti-trafficking campaign never sees the migrant bodies as people who have lost their lands or means of livelihood. The campaign sees the decision of women to migrate only as an outcome of crisis but not as a lifesaving affair. As a solution to this, the nation-state either criminalises those who have resorted to clandestine movements or deport those who have been constructed as trafficked bodies (Sharma, 2005, p. 89).

Migration as a phenomenon is done for reasons such as to evade the war, natural calamities, and political, economic and social crises. For some migration is a survival strategy. The stringent laws on migration have compelled migrants to take the aid of smugglers. The political and gendered discourse on laws against trafficking seeks to establish a direct correlation between

clandestine migration, deception or coercion. However, there is no parallel between clandestine movement, deception or coercion. It may occur in the jobs, working conditions, and wages that the migrant expected. These situations render migrants as victims of discriminatory border control practices that are racial, sexist and based on nationalities and victims of global capitalists. The anti-trafficking practices have been adopted as a preventive measure to adopt or surveillance on the “mobility of people” especially girls and women across borders (Sharma, 2005,p. 91).

The ambitious U.S. Victims of Trafficking and Violence Protection Act of 2000 has increased border patrols and withheld foreign aid to countries that do not fight trafficking. Historically, the combined efforts of countries under the League of Nation could not yield desired results in controlling the problem of trafficking. Further, the present day anti-trafficking campaign creates difficulties for immigrants who are already under strict state surveillance (Tambe, 2009, p. 128).

The anti-trafficking campaign facilitates the anti-immigration laws to cast out the ‘dangerous foreigner’ (Sharma, 2005, p. 88). Sharma argues that the nation-state through the anti-trafficking campaign has cleverly sought to circumvent the national border controls (Sharma, 2005, p. 88). This is evident in the rhetoric of the post 9/11 war that led to the racial, nationalised and gendered profiling of security threats (Sharma, 2005, p. 88). The national and international securities regimes have vigilantly monitored the migrant bodies. The rhetoric of securing the national boundaries had led the nation-states to cast a blind eye on the disadvantaged, dislocated and underprivileged migrants who have resorted to moving outside the legal provisions of migration. This phenomenon is argued to be global apartheid where the flow of capital and some bodies are permitted across borders, while the bodies of others confront severe restriction (Sharma, 2005, p. 88). The ‘global apartheid’ maintained by two forces- a) it is put forth by the mandate of “national sovereignty” of the United Nations. This mandate enables the nation-states

to discriminate against the ‘others’ to the nation, b) universal legitimate ideology of nationalism (Sharma, 2005, p. 89).

In the nexus of state and capitalist practices, the state responses against trafficking obscures the vulnerability of migrant women (Sharma, 2005, p. 89). However, the state violation of capitalism, displacement, dislocation is erased from the state analysis. This moral panic inadvertently legitimises the state’s control on immigration practices. Therefore, immigration practices are negatively having an impact on women migrants. This is a gendered effect of regressive immigration practices (Sharma, 2005, p. 89). The repercussions of the construction of global apartheid have had effects on migrant trafficked victims. The premise of the anti-trafficking campaign has rendered many migrants to be imperiled to the vilest forms of human rights infringement (Sharma, 2005, p. 89).

There is no direct correlation between clandestine migration and deception or coercion. It may occur in the jobs, working conditions, and wages that the migrant expected (Sharma, 2005, p.91). These situations may not render them “victims of trafficking” rather they are victims of global capitalist politics and border control practices that racially discriminate them (Sharma, 2005, p. 91). The anti-trafficking practices has adopted preventive measure to adopt or surveillance on the movement of people especially girls and women across borders (Sharma, 2005, p. 91).

3.4.4. The Outcome of the Anti-trafficking Campaign:

Though the expected outcome of anti-trafficking laws and policies were primarily to eradicate human trafficking, yet the laws had an array of outcomes on vital aspects of the society- a) It particularly sought to cleanse the society of its ‘impurities’ of the system of prostitution b) It increased the clandestine nature of the operation of prostitution which further facilitated the increase in sex trafficking, c) Strict border controls steered to the surging of the sex trafficking.

The anti-trafficking campaign started as a mechanism to control the spread of contagious deadly diseases. The campaign constructed the colonised bodies of women as carriers of deadly diseases. In the twentieth century, Asian invasions are constructed as dangerous body sites of diseases (Sharma, 2005, p. 92).

In One Young World Summit of 2014, a North Korean delegate Yeonmi Park delivered a speech on her personal experience of fleeing North Korea. In her speech, she expressed the vulnerability that women in North Korea face (One Young World Summit, 2014). This case of the North Korean delegate speaks the other side of migration. The sole reason for her migrating and fleeing North Korea is survival. If she is deported on account of migrating illegally the possibilities of her being further penalised and victimised increases.

Moreover, within the category of immigrants, men were treated as illegal migrants, however, their counterparts were considered as victims of trafficking (Sharma, 2005, p.93). This hence establishes the argument of how anti-trafficking movement is taken as an alibi for executing anti-immigration laws. The nation-states at various points utilised the anti-trafficking campaign in addition to anti-immigration laws to restrict the movement of migrants across borders

The anti-immigration actions have hijacked the anti-trafficking campaign to restrict migration to the nation states (Sharma, 2005, p.94). Regarding gender, racism or nationalism the anti-trafficking discourse does not have a 'neutral ideological context' (Sharma, 2005, p. 97). The campaign and the women reformers of the past saw women as victims, which then systematically infused the subordination of women (Sharma, 2005, p.98). The anti-trafficking campaign is directed against the mobility of girls and women. It restricted and controlled women's mobility, agency, and decision-making ability.

3.5. CONCLUSIONS:

Therefore, if one closely analyses the beginning of anti-trafficking laws, one can see that the abolitionist school have dominated in the formative years of anti-trafficking laws and policies. The aim was to largely transform the anti-trafficking movement into an anti-prostitution campaign (Chuang, 2010, p.1658). They have promoted the anti-prostitution agenda through legal reforms and also incorporating stringent conditions on the US financial aid to other states, and NGO's (Chuang, 2010, p.1658). The ranking of the Trafficking in Persons report has a greater impact on the states. The relation is such that higher the rank greater is the possibility of achieving financial aid from the United States. The abolitionists school of thought had a dominant role in the framing of the trafficking discourse. The abolitionists understood trafficking strictly in terms of girls and women forced into sexual slavery. This reinforcement has played a significant role in constructing and implementing anti-trafficking intervention (Chuang, 2010, p.1659). Therefore, human trafficking was comprehended only on the terms of trafficking for prostitution.

The anti-trafficking campaign though has widened the scope and definition of trafficking, however, a larger proportion of anti-trafficking activity remained focused on dealing with sex-trafficking and prostitution (Chuang, 2010, p.1657). The anti-trafficking campaign has been concerned about whether voluntary prostitution can be considered as a form of trafficking. As a response to sex trafficking, the anti-trafficking regime sought to address and direct measures to abolish the institution of prostitution.

This study argues that laws on trafficking could not capture all the dimensions of the sex market-economy, escape from poverty and relative agency (Tambe, 2009, p.130). Tambe argued that laws on prostitution such as Contagious Diseases Acts or the other anti-trafficking laws created

voyeuristic pleasure of the state actors as it needed extensive scientia sexualis of the act. Further, regulation, criminalisation, decriminalisation, and abolition are different modalities of state coercion (Tambe xvii). The state responses to prostitution and sex trafficking have not been benevolent to sex workers, trafficked victims and rescued trafficked women (Tambe, 2009, p.xvii). Further, the state is performing for both domestic and international audience; international funding agencies are crucial for the state and policies of the state is directed to attract the attention of the donor agencies (Tambe, 2009, p.xvii)

Laws on human trafficking were historically concentrated on sex trafficking and though in the present day we have the wider approach to human trafficking, however, the entire impetus is found to be on eradicating sex trafficking. With anti-trafficking drive, the state is inadvertently committed to morally cleansing the society of the problem and impurities of prostitution. Further, another aim of the state is to make the larger citizens free from endemic diseases such as HIV or AIDS.

A false notion the “anti-trafficking discourse” is that it considers all women in the commercial sex trade as forced into the business (Tambe, 2009, p.53). It has demonised the third party procurers and constructed the body of a woman as an innocent and not as one who has willingly gone into the business. Within these two assumptions, the anti-trafficking discourse is grounded. Tambe (2009) argues that design and the apparatus of anti-trafficking discourse are restricted only to cross border trafficking while neglecting internal trafficking within countries, legislative emphasis on third-party procurers, and concern on victims who have no prior records of prostitution.

To receive the mercy of the state it was imperative for rescued women to establish herself as a victim who was unaware of the business. The anti-trafficking discourse needs to prove that she

was young and was lured, abducted, trapped into distinct cities by men and women who were hunting for them (Tambe, 2009, p.69).

Though the overarching attempt of the framing of the anti-trafficking laws was to control the trade in human beings, however, it did not entirely address the core issue of trafficking. The law on trafficking aimed to control the following issues:

The first law which though not directly framed as a law on trafficking, yet was one of the driving forces to the framing of the first law on trafficking- White Slave Traffic Act. The Contagious Diseases Act aimed to control the spread of venereal diseases to the general population, who were innocent and was not involved in serving the infernal and immoral desires. The eventual framing of the internationally agreed protocol of trafficking has also addressed in uprooting the institution of trafficking and also in controlling the 20th century epidemic of AIDS. It was to control the spread of deadly diseases.

The entire framework of the anti-trafficking laws considered prostitution as an immoral activity that pollutes society at large. Here the reference is both to the western and the Indian context. In conclusion, one argues that the “anti-trafficking campaigners” worked closely with the interests of the powerful gendered nation-states (Sharma, 2005, p. 99).

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CHAPTER-IV

CIVIL SOCIETY AND SEX TRAFFICKING

4.1. INTRODUCTION:

Historically, a powerful state is a necessary precondition for the functioning of civil society (Berglund, 2009, p.2). The definition has undergone a multitude of shifts in its conceptualisation and underpinnings. Civil society currently stands for a set of social and political activities that are embraced for interacting with state power. It is a space in which individuals and social groups may challenge the ‘unresponsive and repressive states by ‘peaceful and non-violent methods’ (Chandhoke, 2007, p. 607). In the present democratic political milieu, it is a necessary precondition to monitor and detach the state from being autocratic and over powerful (Chandhoke, 2007, p. 607-608). Civil society is a mechanism to deepen democracy (Chandhoke, 2007, p. 608).

In the light of historical and current debates on civil society, it is imperative to focus on the issue-What constitutes a civil society in the modern and postmodern world? NGOs are, thus, constructed as alternate forms of organised politics and viewed as a domain of collective unity (Chandhoke, 2007, p. 608). In this context, the present chapter endeavours to analyse the “various voices within civil society” and their views on sex trafficking (Das, 2020, p.1). It does not limit the voices of “NGOs” and hence extends to voices from the church, union, and political leaders (Das, 2020, p.1). The aim of this chapter is to comprehend whether the stakeholders have a gender-sensitive conceptualisation, understanding, and approach towards sex trafficking. This chapter seeks to analyse the multiple voices and their standpoints on sex trafficking. It is critical to look at whether the stakeholders have a gender-sensitive approach to sex trafficking. The

chapter is divided into three broad sections, the first segment discusses the profile of the respondents, the second segment is an analysis of the voices from the civil society and the third segment examines the standpoint of the civil society and tries to find out whether their approach is gender-sensitive or gender insensitive.

4.2. PROFILE OF THE RESPONDENTS:

The profile of the respondents is an integral aspect of empirical research because it categorically puts forth the data into age, religion, educational background, marital status, economic profile, places of origin, and languages spoken. This profiling would help to contextualise the problem of this research.

For this research, a total number of 173 respondents were collected. To distinctly encapsulate the profile of the respondents, this section is categorically divided into three parts: a) profile of the victims, b) profile of stakeholders, political leaders, and head men, and c) profile of tea garden workers, sex workers, and other respondents.

4.2.1. Profile of the survivors:

Religion:

For this research, the researcher collected a total number of 173 respondents, out of which 70 were rescued trafficked victims. Among 70 girls and women, 17 were Hindu, 39 were Muslim, and 14 were Christian.

Age, Languages Spoken and Education:

The category of age becomes very integral to the study since the UN definition of trafficking specifically states that a child who is below 14 years cannot consent for commercial sex. Any child found working in the sex industry, invariably becomes a case of sex trafficking'(UN 2000).

The age group of the respondents ranged from 12 to 31 years old. The languages spoken were Assamese, Bengali, Bhoj Puri, Bodo, Hindi, Khasi, Nepali, and Sadri. Moreover, the majority of victims were illiterate and uneducated which made them potential victims of sex trafficking.

Marital Status of the Respondent:

One of the recruitment tactics that has been employed is to marry potential victims who in the name of marriage migration are trafficked to the destination sites and are sold into the recruiting sites and agencies. In this study, 29 women were victims of fake marriages and 19 were trafficked with promises of marriages.

Economic Condition:

One of the primordial reasons of sex trafficking has been poverty (Sen & Nair, 2002). This study also found that all the victims were from economically distressed families. This was revealed from the interactions and interviews that the researcher undertook with the respondent. One of the respondents said -“*I constructed my house with the money that I earned in the brothel*” (Tuhin, Assam, February 18, 2015).

Places of origin:

To comprehend the supply sites of sex trafficking in Assam and Meghalaya this study took into account the places of origin of victims. It found that the victims hailed from Baksa, Dibrugarh, Hailakandi, Hazo, Kokrajhar, Lakhimpur, Nalbari, Silchar, Sonitpur, Shillong, East Jaintia Hills, and West Jaintia Hills.

4.2.2. Profile of: Stakeholders, Political Leaders, and Head Men:

To record the voices of the stakeholders, this study took into account the voices of 19 respondents who were members of the Non-Government Organisations, and 15 were police

personnel. In Meghalaya the Church has significant implications in its social and economic build. So to situate and understand the phenomenon of sex trafficking in Meghalaya the study took responses from 10 Pastors from the Synod and Presbyterian Church. Further, to get a nuanced perspective of sex trafficking in Meghalaya in Meghalaya, the researcher conversed with 05 headmen of *Dorbar* (village council) (Das, 2020, p.3). The researcher also interviewed 03 politicians, out of which 01 was from Assam and 02 were from Meghalaya. This aided the research to receive an outlook of the state's approach to sex trafficking.

Out of 52 respondents, 21 were Hindus, 05 were Muslim, and 26 were Christians. Their educational background was 23 were 12th Pass, 19 were graduates, 08 were Master of Arts and 02 respondents were Doctorate in Philosophy. Their age ranged between 23 to 75 years.

4.2.3. Profile of: Residents within Ujjawala Shelter Homes, Tea Garden Workers, Sex Workers, and Other respondents¹⁹:

To get a detailed understanding of lives within shelter homes, the study also took the narratives of 04 residents of Ujjawala shelter homes. These residents though were not trafficked women yet they had spent considerable time within the shelter homes that are typically designed for trafficked victims.

To capture and examine the context of labour migration of tea garden workers in Assam, this study also took into account the narratives of 10 tea garden workers in Assam. Since Assam has an extensive and elongated history of labour migration of tea garden labourers the study also seeks to understand and situate the context of tea garden workers in Assam (Das, 2020, p.5).

¹⁹ To capture the position of women in Assam and to know the narrative of trafficking in Assam these respondents included girls and women.

Furthermore, in one of the “drop-in-centres” in Meghalaya which existed to guide and counsel sex workers, 07 sex workers were interviewed (Das, 2020, p.5).

Also, considering the complexity of the present study the research included another 30 respondents to understand the already existing narrative of *khupa dhora* (trafficker) in Assam. These respondents also contributed to understand the position of women in Assam.

Out of the 51 respondents, 16 were illiterate, 18 were 10th and 12th pass, and 17 were graduates. The age group ranged from 17 to 83 years old. Out of 51 respondents comprised 29 were Hindus, 09 were Muslim and 13 were Christians.

Considering the sensitivity of the topic “pseudo names for” the respondents have been used and the names of the organisations have been kept anonymous (Das, 2020, p.5).

4.3. MULTIPLE VOICES:

This section tries to analyse the various aspects of sex trafficking. It takes into account a detailed discussion of the phenomenon by delving into the recruiting methods, pre-rescue phase, the rescue process, prosecution of traffickers, re-trafficking, redressing sex trafficking, shelter homes, alternative life choices for victims, sex markets, earnings, the demand of girls and women from of Meghalaya, Meghalaya as source and destination site, sex trafficking and its relation to Assam and Meghalaya, reverse sex trafficking, the merging of sex trafficking and sex work, a trafficked victim as the face of an organisation, mental state of rescued trafficked victims, police and its connections with the sex market. The subsequent section speaks of the standpoint of civil society and within the framework of gender sensitivity, tries to examine their approach.

4.3.1. Recruitment Methods:

The analysis of the voices of trafficked victims from Assam and Meghalaya show that the dealers of trafficking focus on working-class sections of the society. They capitalise on their weak economy. The traffickers recruit girls and women with false guarantees of marriage, love and jobs. The most commonly used recruiting method is found to be the false promises of jobs.

The majority of the respondents recounted their experiences that how they were being lured in the name of job security, and later on sold into sex markets.

The traffickers whose sex business I had erupted brought girls and women from poor families. To recruit girls they moved to villages. In the guise of working as their domestic help, they bring them from interior villages of upper Assam.

Thereafter, in order to retain them, they provide good food to the victims. They provided meat and fish to the victims. They lure them with money and habituate them to alcohol and then gradually introduce them to the business of sex work. Girls from poor families are sold into brothels situated across the country. They are sold in exchange for money. There are cases wherein the traffickers enact to be in love with our ignorant Assamese girls²⁰ whom they later traffic and bid the prices of their bodies and eventually sell them (Manjula, Assam, March 1, 2016).

False promises of love, marriages, and jobs although are the primary methods of recruitment, yet it was found that providing good food and comfort is used as the first step to create a relationship and rapport with the victim. They materialise on their (victims) desires of having sufficient and 'luxurious' food and then gradually introduce them to alcohol. They eventually push them into the commercial exchange of sex.

....Traffickers conduct fake marriages or makes false promises of jobs. They tempt the victims with sightseeing and traffic them to the destination

²⁰ "Axhomor aajoli suwali" (Manjula, personal interview, March 1, 2016).

sites. They do not doubt the intention of the trafficker as they (trafficker) accompany them throughout... (Tiloka, Assam, March 7, 2016).

The uniqueness in the recruiting methods employed in Assam and Meghalaya is found to be contextual. Tiloka goes on to stress that most of the victims whom she encountered were from rural, underdeveloped and poor backgrounds. The traffickers capitalise and exploit the excitement of the victims to visit and explore new places. This reflects that the method of sightseeing is one of the significant methods used to traffic girls and women in Assam and Meghalaya.

Girls and women are trafficked with deceitful promises of job opportunities in the 'Bollywood industry'. However, instead of becoming a 'heroine' in Bollywood, she becomes a 'heroine in the illegal street'. Untruthful promises of a job are the most common form of recruiting method. Further, fake marriages and false promises of the same are common techniques to traffic girls or women from Assam. However, marriage requires serious thoughts. If the person with whom one wishes to marry is an 'outsider' then one has to doubly ponder and think about the marriage.

Moreover, traffickers exploit the vulnerabilities of the poor. They extend help with money and other aids and eventually earn the family's confidence and traffic their girls or women into the commercial sex industry (Kamal, Assam, March 7, 2016).

This excerpt brings the fascination of girls and women to be in the Bollywood industry which leads them to be induced with deceitful promises of roles and performances on the big screen. It throws focus on the vulnerabilities of the poor and disadvantaged sections of the society. The socio-economic conditions of the victims act as a decisive role in the whole phenomenon of sex trafficking. This is revealed in the narratives of respondents- both victims and stakeholders.

Moreover, Kamal's use of the terms 'heroine' and 'illegal streets' may be analysed critically. Through the lenses of gender, one could argue that the definition of a 'heroine' in the Bollywood is constructed in such a manner that mostly reflects an 'ideal' and 'good' woman who performs the '*stree-dharma*' of looking after the family, taking care of the household and be docile and obedient bodies. But, when a woman does not have 'certain qualities' as defined by society, she becomes an 'evil' or 'bad' woman. According to Kamal, those women who come to Mumbai and are unable to fulfill their dreams of becoming 'heroine', rather converts into the 'heroine of illegal streets'. This reflects the patriarchal mindset of society.

The narratives of the members of civil society bring forth the aspect of bogus guarantees of marriage to entice girls and women into sex trafficking. The present significance of social networking also has an impact in shaping the dynamics of manifestations of sex trafficking.

...Girls and women are trafficked with false promises of marriages. They are often trafficked by their relatives or neighbours. These are agents who reside in the destination sites to conduct the work of trafficking girls and women... (Noor, Assam, October 19, 2017).

...Social networking sites are a new medium of trafficking victims. In the name of job, marriage, love the targets elope with the traffickers and when they reach the destination they realise that they are being sold. However, it is mostly the job opportunities that drag them from their villages. I have seen girls and women who are mostly trafficked with false promises of a job (Rita, Meghalaya, July 16, 2016).

The multiple voices from the civil society illustrate that the most common tactic of recruitment is false promises of job, love, and marriage. This reveals that traffickers capitalise on the emotional and economical vulnerability of potential victims. Traffickers manipulate potential victims through deceitful promises of marriage and job and eventually sell them in the sex markets.

4.3.2. Pre-Rescue: Breaking-in:

The narratives from the civil society unanimously reverberated about illustrations of life-threatening physical and mental violence wielded upon the victims to familiarise them, into the commercial sex industry. This was found to be the most widely used strategy of gripping victims into the sex markets. However, the study found an alternative method of psychological and physical enforcement of victims into the business of sex exchange. One of the respondents said that they were normally given non-vegetarian food in the brothels, which otherwise was an occasional menu for them. As discussed earlier, they not only lured them with money but used food as a technique to break in girls and women into the trade.

Victims of sex trafficking undergo immense mental tortures. They blackmail the victims by saying that “if you don’t do as we say, we are going to harm your family”. These are forms of emotional blackmail. Traffickers are one step smarter than us, so we also need to be one step further than the traffickers. We don’t exactly know what kind of torture they use on victims. They may burn them with cigarette buds or stuffing them in a small room. These are the forms of exploitation. Trafficked victims are kept in isolation for days (Mary, Meghalaya, July 16, 2016).

Emotional blackmail is one of the methods to exploit the vulnerability of trafficked victims. To break-in victims, traffickers threaten to kill their families and also exert physical and psychological tortures. To break-in, extreme forms physical, psychological and emotional violence is inflicted upon victims of trafficking.

4.3.3. Rescue:

Rescue is found to be one of the primary anti-trafficking drives of the stakeholders. The foundation upon which the idea of rescue is based is to save and retrieve girls and women from

situations of forced sex work (Sen & Nair, 2005). The underlying principle of rescue is rescuing from ‘forced sex work’. Nonetheless, the narratives of the stakeholders have signified falsified connotations of the idea of rescue. It is found that stakeholders failed to distinguish between forced and voluntary sex workers. This has led to the ‘forced rescue’ of sex workers who are willingly engaged in the business of commercial sex.

The following excerpt is an example of this falsified understanding of rescue. It informs that rescue is a drive against the sex markets.

Rescue operations involve stake and risk. We cross check the information we receive. We go to the place and find out how far the report is true and ask nearby shops and neighbours. Further, we observe the house about which we had received information of ‘immoral’ activities. We have our informers who report to us about the cases. Further, since we have been engaged in rescue and rehabilitation, many are aware of the kind of work we do and so if the neighbourhood in any locality is doubtful of any immoral activity they immediately report to us (Manjula, Assam, March 1, 2016).

Another narrative reveals how the parameter of ‘age’ acts negatively for an adult woman who had voluntarily worked into the business.

One of the major challenges today is the definition of human trafficking and prostitution. There exists a thin line between both the phenomenon. The right to consent is not given to an individual below 18 years. Our organisation adopts the age of consent as fixed by the United Nations. Thereby, while conducting the rescue of trafficked victims the age at which the victim was trafficked is taken into account. A victim might state that she is fine with the work then. However, when the incident happened, it happened when she was a child. We take that age and fight against child and women trafficking. If a sex worker above the age of 18 says — “I am

doing it willingly” then the personal rights of the women become an important aspect of consideration. Although India has not legalised prostitution, it is about choice, personal rights, and women’s rights. However, many organisations while conducting raids pull out wilful sex workers and present them as victims of trafficking (Neena, Meghalaya, July 7, 2016).

This reflects the complicated dimension of the phenomenon and the drives combatting against it. The respondent refers to a wilful sex worker who was initially trafficked but later consented for work. Her narrative ignores the aspect of the voice of these workers. This particular study argues that their consent to rescue is never accounted for in the process of rescue of trafficked victims. The excerpt here clearly reveals that the consent of wilful sex workers is never considered. A similar standpoint of forced rescue is elucidated below:

...The woman who I spoke about was there in the red light area and so we rescued her. During raids we first discover the inmates who were trafficked. In this process, we found that though the woman settled into the profession, was originally a trafficked victim... (Rita, Meghalaya, July 16, 2016).

In this narrative, the respondent admits that voluntary sex workers (although being initially trafficked) are forcefully rescued from the business that they are settled in. It’s a displacement of women and her work which results in depression, distress, emotional, and economic turmoil.

A respondent said that- *“I have wedged several cases and had almost erupted businesses of many”* (Manjula, Assam, March 1, 2016). *“The study has found that respondents parallelly use the phrase ‘rescue of trafficked victims’ and ‘rescue of sex workers’”* (Das, 2020). This is confirmed by another respondent who says that — *“A lot of organisations very often conduct a*

raid on sex trafficking. They randomly would conduct the raid, randomly would pull of women and girls and everyone” (Mary, Meghalaya, July 16, 2016). A respondent said —

In one of the recent cases, the victims who we have rescued also have an old shop in that particular place. They have their family. They have a shop. Everything is there and she told us that she is not into that trade anymore. We have found that many of them are not willing to be rescued (Tiloka, Assam, March 7, 2016).

The narrative throws light on the forced rescue and extraction of sex workers. This shows the extraction and economic displacement of empowered women. Such kind of rescue pushes women to disadvantageous positions and renders them into economically distressed situations.

Girls from remote areas are trafficked as a baby sitter and for other job purposes. Recently two girls were rescued from being trafficked to Bihar. The information was given by the Child Protection Committee of the concerned tea gardens. Likewise, if we are aware of girls being trafficked for domestic work we immediately file a report in the police station and rescue the girls.

We in our gardens have a shop which existed since the British rule. The owner of the shop was from Rajasthan. They trafficked a boy from our tea garden. They took him to work in Rajasthan. Later we got information that they wanted to traffic his sister. However, we successfully rescued her and saved her from being trafficked. We approached their parents and within 21 days we rescued the boy from Rajasthan.

The boy went willingly. In bagans (garden) this practice is common. In the name of good food, good clothes, good job they are lured and trafficked outside. Although he was not ready to return to the garden we brought him back. I believe given a chance he would prefer going back to Rajasthan.

A woman trafficked two girls from our tea garden. She trafficked her to the house that she was working. On receiving this information the Child Protection Committee (CPC) decided to rescue the girls. We first met their parents and got to know that the woman paid money to them. We pressurised the parents to file a case against the woman after which the girls were rescued by the police. Further, the Officer in Charge told us that it was not a case of trafficking to which we retaliated and said that since the girls were taken from one place to another it indeed was trafficking (Laxmi, Assam, February 17th, 2017).

This reveals falsified connotations of rescue and sex trafficking. The respondent clearly shows evidence of her non-comprehension of the phenomenon. Her non-comprehension has led to the economic displacement of two siblings.

4.3.4. Prosecution of Traffickers:

It was found that the aspect of prosecution is depressing all over the country. This persists for its surreptitious nature and also because of the lack of adequate information about the traffickers. Another integral finding of this research is that organisations vest their interest more on rescue, rehabilitation, and reintegration. Thereby, prosecution lies as the most neglected element of the anti-trafficking campaigns and drives.

We have a lesser rate of prosecution. This is something we need to work on. The courts and lawyers have to be sensitive. Most of the time there is a lack of evidence. There are rape cases wherein the convicts are freed in the absence of evidence. Further, the prosecution part takes a long time, like 10 to 11 years. It takes a minimum of six years to reach the court. The case may go on for 15 to 16 years. In this process, the victims refuse to come to the court anymore. Why should she come to the court? Somebody calls me a victim of trafficking after 11 years but now that I have a family how I can produce myself in the court for testifying the case.

Also, I believe that lack of evidence leads to a lesser rate of prosecution (Mary, Meghalaya, July 16, 2016).

The rationale behind this depressing approach to prosecution is cited to be the long and tedious process of the cases of trafficking. Since it incurs a long time victims deter from participating and supporting in the criminal procedure of prosecution.

4.3.5. Re-trafficking²¹:

The accounts show that one of the prime causes of re-trafficking is the assurance of providing a comfortable life to the victims. In this context, a voice of a respondent reflects that — *“If one is enjoying a luxurious car, then why one would wish to board an auto-rickshaw? Therefore, the girls are re-trafficked in the expectations of wellbeing, extravagance and the money (Rima, Assam, July 12, 2016).*

Most of the rescued victims of trafficking that I have come across want to go back to the brothels. On the one hand, we want to rescue them from the ‘wrong direction’. On the other hand, they wish to go back to the place (Sarita, Assam, July 13, 2016).

The findings of this research reflect that the cases of re-trafficking are high. Victims of trafficking after rescue are not freed from suppression and dominations. They are subjected to innumerable forms of marginalisation after rescue. For instance, this research claims that within shelter homes victims are incarcerated. As a consequence of which victims choose to elope and render themselves in disadvantaged positions and make them susceptible to re-trafficking.

²¹ Das, 2020, p.13

4.3.6. Redressing Sex Trafficking²²:

The data shows that both in Assam and Meghalaya raids are considered as a significant instrument or component of anti-trafficking. Further, the role of civil society towards curbing sex trade is evidently present in the data collected for the study (Das, 2020, p.13). In response to sex trafficking, a respondent said-

We often believe that when it comes to legalising prostitution what happens that this industry would flourish rather than be curbed. Legalisation would mean encouraging traffickers to bring in girls. Legalisation would set an easy stage for traffickers (Bhatta, Assam, October 5, 2017).

Another respondent victoriously spoke about her success in wiping away sex markets. Further, the study found that in Meghalaya, an attempt is made to curb the entry of outsiders to the state. Concerning this a respondent said —

When our union became aware of sex trafficking which was five or six years back we had set up a board, where we held, and still hold, regular meetings to address the problem of sex trafficking in Meghalaya. We have awareness programmes. We don't allow the non-tribal people to come into our areas, our society or locality. We do so with the help of Dorbars (village council). We ask the council to not allow outsiders to enter our areas. Outsiders come as shopkeepers to sell clothes and other items, and also buy second hand items. They go to every nook and corner of the village. In that process, they lift children and traffic them outside. Therefore, we ask the people in the Dorbars (village council) to not allow outsiders to come into our village and localities as they are a threat to our region. We have this concern because we are aware that human trafficking and sex trafficking is occurring in Meghalaya and hence to

²² Das, 2020, p.14.

avoid it we have developed this mechanism (Rahul, Meghalaya, July 11, 2016).

These members of the civil society argue that an abolitionist stance could be a viable strategy to address and redress the phenomenon of sex trafficking. It also allures on the presence of outsiders in Meghalaya whose movement is urged to be restricted to prevent sex trafficking in the state.

One might argue that the abolitionist and moral stance held by the members as an approach to redress sex trafficking could be critiqued and probed. The efficacy of this method as a mechanism to redress sex trafficking is criticised and questioned by many scholars (Cavalieri, 2011, Doezeema, 2002, Sharma, 2005). The method to disrupt and dismantle sex markets to control sex trafficking is argued to be a patriarchal and a statist approach to redress sex trafficking. This approach to redress and rehabilitate trafficked victims is argued to be a “moral appeasement” tactic of the civil society, which is founded on the contention that women should quit sex work and be rehabilitated into lower-paid, more exploitative, occupations and a life of semi-hunger and poverty (Jameela, 2018, p. 17).

4.3.7. Shelter Homes²³:

The data on shelter homes show that it is an uncomfortable space for victims. The respondents from the civil society uncover about the inadequate and non-nutritious food provided to the victims who are being caged in the shelter homes. Some responses disclose of the mental ostracisation that rescued victims of trafficking undergo (Das, 2020, p. 14).

...rather than insulting her for mistakes, it is important to provide her comfort and solace in the shelter home. This is the reason why they have a

²³ Das, 2020, p. 16

negative mind. They (staff) would repeatedly reiterate that she was a bar dancer... (Noor, Assam, 19 October, 2017).

Though a patriarchal mind set of the respondent could be seen yet a compassionate approach is found in Noor's articulation of shelter home. Her views are patriarchal because she considers sex work, voluntary or forced as the mistake of girls or women. The consequence of the 'mistake' is social ostracisation and labelling of women as 'bad' and 'evil'.

On account of noncompliance, there are cases wherein victims are thrown out of the shelter home. One of the respondents said –

Recently a mentally unstable girl was admitted in our shelter home. However, before our arrival, she was sent back to her home. The girl was mentally unstable.

In one of the sessions with her she told me that she loved paddy fields and mountains. I understood that she had dreams for herself. When the dreams get shattered some are unable to bear the pain and eventually become mentally ill. She did not choose to be mentally sick. It happened because her hope and trust was broken.

There has to be a reason behind her behaviour within the rescue home. She would create a ruckus in the home. Therefore, being fed up with her, two of the staffs sent her back to Shillong. She was sent unaccompanied. She had Rs. 50 with her and with that she was thrown out of the home. The girl will either get re-trafficked or raped or may die half way. I know some misfortune would happen to her (Noor, Assam, 19 October, 2017).

The study also found that without being accompanied by an NGO staff a trafficked victim was sent back to Silchar, her place of origin. She was sent since she was problematic and rowdy. In an instance, the girl tried to undress and tried to show herself to a passerby, so the staff chose to

abandon her. This reflects that the victims which could not be disciplined in the rescue homes are gotten rid of.

Moreover, it can be seen that rehabilitative homes are spaces wherein residents are held captive. Referring to this phenomenon one of the respondents spoke about the freedom of the residents. He said- *“They are trapped and they feel suffocated from inside. The only desire they are left with is their freedom and they are desperate about it”* (Kamal, Assam, March 7, 2016). During the interviews, the respondents spoke about victims being locked in the shelter homes. Referring to this one of the respondents said-

This is because of the fact that by jailing women in the shelter homes one is trying to disempower a woman by restricting the mobility and restricting the growth of being able to face the world. They remain aggressive within these spaces. They run away. A number of these shelter homes sometimes focuses on the numbers of victims that are been put into these home and that they do not reintegrate them (Josephina, Meghalaya, July 27, 2016).

The conditions of the shelter homes are disclosed to be in pathetic conditions. It is found that victims reside in regulated and surveillance sites of shelter homes.

In India, shelter homes are in pathetic conditions. In a single room, five inmates are accommodated. Victims are provided undernourished food in the shelter homes. Most shelter homes just provide dal, rice, and potato. They have no lifestyle within the shelter homes (Kamal, Assam, March 7, 2016).

The desire for freedom is curtailed in the shelter or rescue homes. The responses underline that the shelter homes are disciplined and controlled spaces which create suffocation and make it more of an incarcerated site.

The inmates wish to go back to their native places. However, due to official formalities, it is deterred by the in-charge of the rescue home. Further, victims often complain of feelings of suffocation. This is because they are locked and jailed in shelter homes. Thereby, the desire that victims repeatedly express is of freedom and they are desperate about it (Noor, Assam, October19, 2017).

Mary said-

Victims of sex trafficking are kept captive in the shelter homes, to which they have a great deal of discontentment. This is because they feel that they are curtailing their freedom. They think that they have come to another jail. The shelter home as jail is restricted space for women. There are rules that one has to follow. Whereas, in brothel, you don't have rules, but it is a kind of jail as well. In the brothels, girls have to dress up properly, apply makeup while in the shelter homes it is totally different. So it is like you come from this jail to another jail. So it is much better to stay in the previous jail from where they have come out (Mary, Meghalaya, July 16, 2016).

This complicates the site of shelter homes and brothels. Both the sites are argued to be curtailing freedom and creating discontentment, nevertheless, Mary argues that victims desire to go back to the brothels.

Both these sites are androcentric in nature since within these spaces women and girls perform according to their gender categories and identities. Also, their bodies are under patriarchal norms and ideologies. In shelter homes, victims are disciplined and monitored to perform within the category of 'good women', while, in brothels, their bodies are sexually traded to satisfy the untrammelled sexual desires of men.

It is difficult to manage and maintain a shelter home. Further, it involves risk since anything can happen in a shelter home. There are instances

where victims run away and elope from the shelter homes. Thereby, it is hectic to maintain a shelter home (Rita, Meghalaya, July 16, 2016).

Shelter homes are constructed as spaces to discipline and regulate women's bodies. It is found that it manifests and interplay with strict rules and regulations to control the victims who have deviated themselves from the category of 'good women'. The restrictive nature of these sites is revealed through the respondents' statement which brings forth that victims elope for these rehabilitative spaces.

4.3.8. Alternative Life Choices for Victims:

National schemes of India have intensively addressed the domain of alternative life choices for victims (MWCD, n.d.). Through vocational training, victims are provided with alternative means of livelihood. The Ujjawala scheme renders Rs 1, 00,000 for vocational training (Das, 2016, p.80). Nonetheless, the effectiveness of these vocational training is debatable. This argument follows from the dissatisfaction expressed by the recipients of this provision of vocational training. To have an objective understanding of this aspect of alternative life choices the voices of the stakeholders are taken into account.

Initially, we started with weaving machines. But we noticed that victims lack interest in weaving. Also, trafficked victims do not wish to learn knitting and stitching. We have found that 'inmates' like to do screen printing. After completion of their training, we provide them either screen printing machines or sewing machines.

Within a span of three years, we have fully trained the girls. The finished products made by the victims are sold in the market. The percentage of income generated is given to the victims. However, I have noticed that victims when rescued either wish to get married or express a desire to be reintegrated with their family. According to them, these two options are

alternative life choices. In the absence of either of the choices, they resort to take some kind of work (Tiloka, Assam, March 7, 2016).

From this particular narrative, one can discover that although ‘Tiloka’ the anti-trafficking activist is referring about vocational and alternative livelihood training, yet she states that victims are not interested in the kind of vocational training offered in her shelter home. There is an effort to address the interest of the residents, yet it is found to be limited.

The narrative shows resentment to the gender specific vocational training, such as knitting, and beautician courses (Crawford, 2010). The study found that victims are restricted within the stereotypically gendered forms of vocational training. The survivors lack exposure and freedom to learning new ways of living. Besides the recount of the activists also shows the internalised idea of women and work. This is revealed in her analysis of alternative life choices that victims desire to adopt. Tiloka stated that victims either seek to marry or reintegrate with the family. This essentially shows that economic labour which is socialised and constructed to be men’s arena is deep rooted and internalised by the victims.

4.3.9. Sex Markets and Sex Work:

The standpoints in the chapter reflect a deep aversion to the sex markets. The respondents unanimously hold that one of the major causes of sex trafficking is the thriving business of the sex industry. This evidently reflects both in direct and indirect statements made by the respondents.

...Guwahati has ‘home-based brothels’. Our organisation has been successful in erasing sex markets in the city. We have been able to wipe out markets in two of the areas in Guwahati. In Rabin Nagar, we have cleared three or more places... (Manjula, Assam, March 1, 2016)

A respondent said that her organisation started with the objective of redressing sex trafficking. The respondent stated that it could be done by hitting the root cause of sex trafficking, which according to her was the commercial sex industry. The study further found that conducting raids in 'home-based brothels', brothels, spaces are used as techniques to deter sex trafficking.

Mary said-

In Meghalaya, we have mobile sex industry. We have street sex workers, fliers, call girls. In this new age of technology, the girls make use of mobiles. They have their own clients. In Meghalaya, some give rooms to the sex workers and for which they charge an amount in return. We cannot stop that. We cannot pinpoint. We cannot charge the owners and ask them "Why did you give the room?" They would cross questions and say that they came to hire a room. We have no evidence with us. Some sex workers use their own house. Some have clients who are truck drivers. They do the work in the truck and then drop them at their place. This is how the sex work industry operates in Meghalaya (Mary, Meghalaya, July 16, 2016).

This is an indirect statement that indicates that sex markets are the cause of sex trafficking. It also reflects the respondent's belief to look into the sex markets and try to deter its functioning as a mechanism to address the crime of sex trafficking.

...To state, we have other terminology, another nomenclature which we prefer to use when we are referring to a sex worker. We call them 'sister'. We feel that this is the most respectable way of addressing them. The term sex workers are degrading. Ofcourse speaking of prostitution has a context. Prostitution is a terrible crime (Laughs) and hence we prefer to use 'sisters' for them. When I speak to you like this I say sex worker but in our day to day terms we use sisters for them and we are their brothers to help them.

Thereby, we use the term sisters rather than a female sex worker. We use this phrase because we are all equal in the eye of God. There are sins so there are sinners. We have named our project 'Valuable to Jesus' saying that they are valuable to God. No matter who they are we are here to strive towards rehabilitating them towards a better life and to alternate livelihood. We understand them as they are very valuable (John, Meghalaya, July 21, 2016).

John's argument is evidence of the patronising approach toward sex workers and victims of sex trafficking. It indicates his aversion regarding prostitution and sex work and also reflects his understanding and conflation of sex trafficking and sex work. Another integral analysis of this response is the manner in which sex workers are addressed.

The narratives reveal an abolitionists stance of the stakeholders who believed that the means to combat sex trafficking is to erupt and disrupt the sex markets. This approach leads to the dismantling of the concepts of forced and voluntary sex workers. The abolitionist stance lies within the context of sex work and forced engagement. Such an abolitionist stance is found to be the underlying principle of the studied organisations.

4.3.10. Earnings²⁴:

Some of the voices from civil society put forth a precarious and contradictory dimension of sex trafficking. A narrative reveals that a victim brought Rs. 1,00,000/-. She additionally said that she found some victims who brought jewellery made out of gold and silver. This response is integral to the dynamics of comprehending sex trafficking wherein research and findings state that the victims are seldom given a share of the income earned.

²⁴ Das, 2020, p. 7.

In my 12 years of experience, I have found many victims who brought money or other valuables with them. There has been a record of a victim who had brought Rs. 1,00,000 with her. I have found another one who brought 80,000 rupees with her. Further, there was one who got gold jewellery with her. With the help of police, they retrieve their money from their maliks (owner) and in return, they make a payment to the police (Manjula, Assam, March 1, 2016).

If one takes into examination the above response, one finds two perspectives - a) All trafficked victims are not denied off from their earnings b) The victims that respondents had experienced, may be sex workers who were subjected to the forced rescue.

4.3.11. Demand of Girls and Women from Meghalaya:

The surcharged demand for girls and women from Meghalaya is due to their racial category. This is revealed in one of the narratives of respondents who stated that women from Meghalaya and North East are demanded due to their Mongolian racial category (Mary, Meghalaya, July 16, 2016). Women from Meghalaya and the entire North East are ‘cheaper merchandise’ than women from other South East Asian countries. Women from the North East are trafficked to Bangalore, Chennai, and Mumbai, and are sold as ‘international merchandise’ bought from South East Asian countries. This hints to an upsurge in the price of women and girls from the North East.

The demand for girls from Czechoslovakia and Russia is high in India. The trend of having girls from different countries into India is shifting the girls from India to other countries. At the same time demand of Asian girls especially from the North East to other South Asian countries is of high priority. When you look at the belt of the Middle East you find a lot of South East Asian girls whether it is Phillipino, whether it is Thai, Cambodian, Myanmarese, Burmese girls and the same is with the North

East India. The cultural features and similarities raise their demand in the local and international market. We have girls from Meghalaya and the entire North East catering to the needs of men in Mumbai and other places (Neena, Meghalaya, July 7, 2016).

This position of the respondent shows that due to the racial similarity demand of girls from Meghalaya and North East India is high. The rationale is the cost-effectiveness of the business. The narrative points to the critical aspect of the commodification of the bodies of women from different categories and racial identities. It renders women as lucrative merchandise. This commodification of women's bodies in the sex markets is due to the unequal power relations of women in society.

4.3.12. Meghalaya as Source and Destination Site:

According to one of the respondents Meghalaya is a source and destination site of human trafficking. One such site is the coal mining areas in Meghalaya which have the requirement of small bodies to enter into the rat holes of these coal mines. This was rampant before the 2014 ban on illegal coal mining by the National Green Tribunal a judicial body that deals with environmental issues (Sitlhou, October 31, 2019). From Bangladesh and Myanmar, victims are trafficked into the coal mines of Meghalaya. The respondent also informed that women serve both as sexual and bonded slaves within these coal belt areas (Rahul, Meghalaya, July 11, 2016).

There is a gang that has arms with them. They are very dangerous. We cannot go there with just two or three people. We have to go in a crowd of 20 to 30 people. It is because the area is dangerous. Also, in the coal belt areas sex markets operate wherein trafficked girls and women are bought and sold. There are small huts with plastics over it and those are the operating spaces of the business. Girls are brought from Nepal, some from Meghalaya, some from Bihar and some are bought from outside as well.

Further in Jaintia hills, we border with Assam so girls are bought from Silchar also.

Since lasts two years a civil society women's organisation have been working to rescue bonded people from Silchar. They rescued around 100 Khasi girls who were sold in Silchar. Mostly our union checks that the sex industry does not operate. The rural area is mostly affected by this problem. Thereby coal mines led to labour trafficking and sex trafficking in Meghalaya. Hence Meghalaya is both a destination and a source site of sex trafficking. Girls are made to work as sex slaves in Meghalaya (Rahul, Meghalaya, July 11, 2016).

The narrative informs that coal belt areas are dangerous spaces for the general public. The networks and rings which operate in these areas are securely guarded. Rahul's narrative revealed that Meghalaya not only operates as a source but also is a destination site for sex trafficking.

4.3.13. Sex trafficking and its relation to Assam and Meghalaya:

According to the respondents since Assam is the gateway of North East India therefore girls and women are first trafficked to Assam and then they are disposed of to the destination sites. Chapter II has discussed the geographical proximity and its relation to sex trafficking. This was also found in many narratives of the members from civil society organisations.

They too mentioned that the reason for sex trafficking between Assam and Meghalaya is their close connectedness. The testimonies also revealed that due to natural calamities and underdevelopment, girls and women in Assam and Meghalaya become susceptible to the phenomenon.

The flood is the worst forms of natural catastrophes in Assam. During these forms of natural calamities girls, women and elderly people are the most vulnerable. When they are taken to the relief camps they become

potential targets of traffickers. As Guwahati has developed into a metropolitan city many hotels are set up which are used by traffickers to sell and transact girls and women.

I think the demand for sex trafficking also becomes high when the cities are expanding and are developing. Since Assam is the gateway of North East India it acts as a transit site for sex trafficking. Trains are used as the most commons means of transportation to traffic girls and women from North East India. Guwahati station connects the rest of India with the North Eastern region. Moreover, Assam and Meghalaya share international borders with Bangladesh which opens up Bangladesh as a source site for sex trafficking...

... A number of girls from Meghalaya and other neighbouring states are trafficked to Silchar which has the red light area in Assam

The national highway from other parts of Assam to Silchar goes through Meghalaya which is very crucial in the context of trafficking of girls or women. The highway plays an integral part of the whole process for transporting girls from other parts of Assam as well as Meghalaya to the red light area of Silchar...

...The demand for girls from Meghalaya who can speak English is high in the market. Also, employment opportunities and migration are the causes that lead to sex trafficking. The percentage of employment opportunities within the region has not been able to accommodate young people. Moreover, the increasing number of universities and colleges in the region is producing a more educated class of young people, especially from middle class families. However, the state is unable to provide jobs to these educated young people. Further, none of them want to go back to the traditional skilling and work in their village. Education has left them unattached to the traditional employment opportunities...

...We believe that skilling is another way to help women especially young women who are educated because textile weaving is one form of

employment opportunities. It is an entrepreneurship career where one should be proud of available resources rather than migrate and become vulnerable. This is a complexity that is happening in the entire North Eastern region. Also women in North East India are explorative, and daring. However, without proper information of the destination point, one can become vulnerable to multiple situations... (Neena, Meghalaya, July 7, 2016).

The narrative of Neena offers various aspects of sex trafficking in Assam and Meghalaya- the connection and relation as well as its causes. Assam is a flood prone state which immensely impacts the lives of people particularly women. Due to the loss of livelihood, they undergo anguish and pain and they are also physically and emotionally abused in the relief camps. This gives an opportunity to manipulate and deceive girls and women by offering jobs and economic security outside the state. They seek to provide economical and emotional relief and freedom from their daily struggles. The narrative once again highlights the economic insecurities and unemployment as one of the foremost push factors of sex trafficking. In the context of Meghalaya, though the young people are provided with educational opportunities yet there is a lack of job opportunities which leads them to migrate to other cities and become vulnerable targets for sex trafficking.

Sex trafficking in Meghalaya has been articulated from multiple dimensions. One of the respondents mentioned about three kinds of trafficking which is at a rise in Meghalaya-

The first is sex trafficking, second is labour trafficking, and third is trafficking for marriage...

...The business of sex work operates between the states of Assam and Meghalaya and the states lay a fertile ground for sex trafficking. A few years back girls from Assam were brought to Meghalaya and girls from

Meghalaya were taken to Assam. We were doing a study on human trafficking in Meghalaya. Certain hotels brought girls from Assam. They were kept during the weekend and by Monday they are sent back. Many girls were aware of the purpose of being brought to Meghalaya while some were kept in dark (Mary, Meghalaya, July 16, 2016).

She points out the propensity of sex trafficking in Assam and Meghalaya. Mary argues that sex transactions occur in the hotels of Assam and Meghalaya. Though this narrative is not a clear example of sex trafficking nevertheless it brings distinctiveness and difference in the operation of the phenomenon of sex trafficking. This throws light on the incidences where girls and women are used and held captive for brief periods. Although this kind of trafficking does not come within the established and statist definition of sex trafficking, nonetheless it spells that the manifestation of sex trafficking in the entire North East is distinct. In the context of North East India the study urges a relooking into the phenomenon of sex trafficking.

4.3.14. Reverse Sex Trafficking²⁵:

Many respondents mentioned about the new phenomenon of ‘reverse sex trafficking’. This phrase has been derived from the literal translation of the Assamese phrase ‘*ulta trafficking*’. Neena likewise referred to a similar instance wherein through Nepal girls from Meghalaya and Assam are trafficked to other South East Asian countries.

Quite a few girls are trafficked to Arabian countries. This was the information given to me by a journalist. We were trying to find out a viable way to rescue the girls from being trafficked. However, we were unsuccessful in our attempts. We have evidence that the trafficker is a girl who would traffic young girls from Assam to the Arabian countries. Her route is from Nepal. They are taken to Nepal, wherein they are provided

²⁵ Das, 2020, p.7

with false documents of citizenship. Based on the documents they are given their passports and trafficked (chalan) abroad (Manjula, Assam, March 1, 2016).

Another respondent said-

In the last four to five years, there is an increase in the trafficking of girls and women from North East India to South East Asia. They are trafficked into the beauty industry, massage parlour industry, health care industry or the red light areas. Cases have been found where passports of trafficked girls and women are seized by their owners (Neena, Meghalaya, July 7, 2016).

We had recent cases where girls are being taken from the mining areas to places like Nepal. In Kakarbhatta area places like Casinos and other gambling sites are increasing which has made it a hub for sex trafficking.

Years before girls of Nepal use to come to India, however now it is vice-versa. It is more from the North East because of the similarities of looks. It is like meeting the increasing demand for Nepalese girls. For this reason, girls from North East are trafficked to Nepal. It is a cycle and also of the flourishing hub of these businesses. We have had cases of young women trafficked with fake passports from Nepal. (Neena, Meghalaya, July 7, 2016).

The testimonies reveal a change in the destination sites. It states that there is a change in the trend of trafficking. From India girls are trafficked to Nepal. The reason for this change was cited as- “...North Eastern people have Mongolian features and also since they are cheap to be purchased, traffickers are now resorting to traffic girls and women from North East and sell them in South East Asia and the Middle East” (Neena, Meghalaya, July 7, 2016).

4.3.15. Conflation of Sex trafficking and Sex Work²⁶:

The phenomenon of sex trafficking inevitably involves coercion, force, deception, abuse of vulnerability for the purpose of sexual exploitation (UN, 2000). Sex work is essentially contemplated within the framework of voluntary and consensual engagement into commercial sex. However, the narratives of stakeholders overlook this aspect and conflate the concepts of sex trafficking and sex work. The stakeholders often interchangeably used the terms.

A respondent said that *“Commercial sex worker is the most prevalent form of human trafficking.”* (Noor, Assam, October 19, 2017). The voices mirror a refusal of wilful choice of being a sex worker. The reason behind this factor is embedded in the following response — *“We don’t encourage prostitution. We are against the legalisation of prostitution. Legalisation of prostitution will lead to a boom in the industry rather than restraint it”* (Niman, Meghalaya, July 23, 2016).

We build a rapport with sex workers and it is very challenging. We are successful in rehabilitating one sex worker a year. It is an unorganised crime that involves pimps who live on the streets. They are there for protection and security and not necessarily they earn money from the sex workers. They are just together, but some definitely go and ask them if they need any money. At the end of the day, what they earn from the sex worker is a bottle of rum that they share together. Thereby, the pimps are a protective shield of sex workers in Meghalaya. Hence it is all about security (John, Meghalaya, July 21, 2016).

The sex workers belong to both rural and urban backgrounds. We have come across women from rural backgrounds that are brought to Shillong with false promises of jobs. They come to Shillong with the hope of some job but they are misled and forced into the sex industry. There are a

²⁶ Das, 2020, p. 7.

considerable number of cases from West Khasi Hills (John, Meghalaya, July 21, 2016).

The conflation is reflected in John's articulation of sex work and its association with false promises of a job. Moreover, the narrative was a reaction to the query of sex trafficking in Meghalaya. Nonetheless, the direction of the narrative was towards sex work rather than sex trafficking.

These narratives was a response to the question of the respondent's standpoint on sex trafficking. The respondent clearly interchanged both the concepts of sex trafficking and sex work. His underlying understanding and assumptions were that all kinds of sex work is coerced and forced. This standpoint reflected in the responses of the majority of stakeholders. The study found a partial and incomplete understanding of the phenomenon of sex trafficking.

4.3.16. Converting from 'Bad to Good' Girls and Women²⁷:

The members of the civil society revealed the necessity to bring trafficked victims into the 'mainstream' society. They often mentioned that girls who become habituated to sex work are difficult to pull back to the normal course of life. The only way to deal with this problem is to provide counselling to rescued trafficked victims.

Referring to this one of the respondents said —

...Their sexual needs are higher than normal people. To counsel them and bring them back to the mainstream is difficult. We need to have patience when dealing with them (Jyoti, Assam, November 25, 2016).

This stance of 'mainstreaming' victims from 'immoral to moral' is mirrored in the narrative of the majority of respondents. The narratives reflected within the framework of the socially

²⁷ Das, 2020, p.18

acceptable category of good women who is essentially chaste and sexually untouched and non-violated. The research found that the narratives were strictly restricted within this category of good versus bad women.

Nonetheless, some of the respondents also acknowledged that victims need counseling to recover from the physical and mental violence that they had undergone.

Mary said-

According to me, counselling is the main treatment for rescued trafficked victims. With the help of love and care, one can make a victim comfortable and secure to speak and tell their stories. This exercise helps them immensely to release their emotions and frustrations. Thereby, since counselling provides mental support, recovery of victims becomes easier (Noor, Assam, October 19, 2017).

However, most of the respondents mentioned that counselling was a technique to mainstream trafficked girls and women. They stated that being a trafficked victim they are lost and it is imperative for them to bring them to normal life. The following narratives are about this aspect of mainstreaming trafficked victims:

..See, trafficked girls are different from any other girls. When it comes to counselling them they behave differently. Their physical need is higher than normal people. They are used to it. They do not trust people easily. Anyone who comes to them they think as their client. So to break that is difficult...

I believe there is another breaking-in phase. However, the process of breaking in the victims in pre and post-rescue is discrete. In post-rescue, there is counselling, and rehabilitation. We have the work for reintegrating the victims into society. There is a lot of work in the post-rescue phase. (Mary, Meghalaya, July 16, 2016).

Breaking-in is a terminology which means violence that is used to break-in victims into forced sex work. The use of this term in the post-rescue situation reflects the respondent's approach of force and coercion to bring victims into the 'normal' life.

This narrative throws light upon the argument of this research which is – 'stakeholders seek to mainstream trafficked girls and women'. Mary argues that the sexual need of trafficked women is higher than 'normal women'. The category of 'normal women' in this context is one who is 'asexual, chaste and pure'. It is also within the understanding that 'normal women' do not reveal their sexual urge and desires. However, Mary's narrative shows her comparison of this internalised category of 'good and normal women' vis-à-vis 'bad and abnormal women'. A similar standpoint is reflected in Rita's narrative- *"A rescued trafficked victim after being brought to a shelter home is required to give the counselling so that it helps the victim to recover and come to the mainstream life"* (Rita, Meghalaya, July 16, 2016).

4.3.17. A Trafficked Victim as the Face of an Organisation:

To gain popularity and funding victims are made the face of organisations. According to one of the respondents they take them to public meetings, events, and TV shows. The respondents said that the purpose could be to showcase the kind of activities the organisations are doing (Manjula, Assam, March 1, 2016). It is found that the organisations use the same corporate technique of publicity and marketing of their organisations. This argument is explicated in the ensuing narrative.

Riama was a victim of sex trafficking. We helped her in rehabilitation and reintegration. Nonetheless, she became associated with another organisation for help and support. Organisations take victims of sex trafficking and make them the face of their organisation. This is because when NGOs take a trafficked victim in all its events and activities, it is

indeed a good show and great publicity for the organisation. Nevertheless, I was the one who was engaged with her case. She was my case. I was instrumental in getting the trafficker arrested. Moreover, I was the one who introduced her to the owner of that organisation. The organisation helped her by giving her cattle and money to further her life and manage her as well as her family expenses. Her daughters were placed in a shelter home and the expenses of their education were taken care of... (Manjula, Assam, March 1, 2016).

This surface a content of jealousy in the respondent for having taken a victim, who could possibly be used for the benefit of Manjula's organisation. There is a sense of repentance of having let the victim go to another organisation. This reflects that organisations working in the area of anti-trafficking compete with each other to receive funding and popularity.

... She (another activist) was the one who rescued her, which I claim to be a lie. It was rather me who rescued her. It was me who gave Riama to that organisation. It was difficult for me to provide her financial support and since she got all the help from the other organisation she would definitely speak in favour of them. (Smiles) Sometimes secretly she comes to meet me. This is because the activist would not like her to visit my shelter home (Manjula, Assam, March 1, 2016).

The narrative reflects that victims in the post-rescue situation are used in a different way and context. If an analysis of the pre and post-rescue situations is done, one could argue that victims in both situations are used as 'voiceless objects'. This is supplemented by the following testimony-

Baideo (elder sister) I told my story in the programme because you (staff of the shelter home) said that it would not air in Assam and no one would know about my identity. Then how is that she (the researcher) knows about the programme (Asha, Assam, November 1, 2016).

The recount was a part of the conversation between the researcher and the staff of an NGO. This was overheard by Asha who was a trafficked victim. From this narrative, we can deduce that victims tell and retell their stories in different public forums and this retelling could not be analysed within the framework of agency, rather one has to look at it as a mechanism of publicity which is used by the anti-trafficking organisations.

4.3.18. Psychological Conditions:

The respondents revealed disturbed mental conditions of the rescued trafficked victims. One of the respondents said – *“The victims are aggressive and uncontrollable. They fight with fellow inmates and create a ruckus in the home”* (Noor, Assam, October 19, 2017). A few respondents allude to these kinds of conditions that actually result from trauma and pain as being mentally insane people. Referring to this ascription and understanding of mental health one of the stakeholders stated as follows-

According to me, a girl or woman who endlessly talks and became extremely violent is a mad person. They would disturb the sleep of others and create ruckus in the shelter home. I remember one girl who would ask for chewing gums. I got her some and handed the rest to the caretaker. This is the girl about whom I mentioned earlier. She was a ‘little insane’. However, she eventually recovered (Noor, Assam, October 19, 2017).

This shows the lack of awareness of mental health conditions of trafficked victims. Victims experience serious and extreme forms of physical and psychological abuse. Such violence affects them physically and mentally. This results in aggressive and violent outbursts among the victims. But this outburst and expression of distress and despair among trafficked victims is perceived as mentally insane.

4.3.19. Police and the Sex Markets:

This chapter seeks to inform the connections of police and the operations of sex markets. It was found that the onus of operations of the problem also lies with the state machineries. It argues that the corruption within these state machineries has steered to the unprecedented growth of sex trafficking.

The police have connections with operators of sex markets and this is why we do not inform them in the beginning. If we inform the Police, prior to the raid, the place that was to be raided gets cleaned and cleared. Police in return takes a huge amount of money from them. If we are confirmed about the occurrences of immoral activities and decide to conduct the raid it is then that we inform the Police (Manjula, Assam, March 1, 2016)

Manjula narrates that she chooses to inform the police at the last because she believed that police are involved with the sex markets. Informing the police earlier would create an impediment to conducting raid, rescue and rehabilitation.

4.4. AN APPROACH: GENDER SENSITIVE OR GENDER INSENSITIVE:

This section aims to explore the approach towards victims of sex trafficking by civil society organisations and other stakeholders. In the whole process of rescue and rehabilitation civil society plays a very integral role and understanding their approach from a gender perspective is crucial.

4.4.1. Gendered Treatment of Trafficked Victims:

This study argues that members of civil society subjected the victims to severe types of gendered conduct. The approach of civil society changes towards trafficked men and women. If a young women is rescued from sexual bondage, the civil society resorts to incarcerate them.

“Nonetheless, a man is directly re-integrated into the society” (Das, 2020, p.20). The reason cited by the respondent is that society is more open towards boys and men and has no problem in accepting them. However, a girl or woman is subjected to deep ostracisation by the society. This is on the ground that they have remained outside the family network. “The society subjects her to the questions of purity and impurity” (Das, 2020, p.20). In addition, the respondent said, “*some trafficked victims become habituated to the business of prostitution and it is important for us to counsel them and bring them back to normal life*” (Tiloka, Assam, March 7, 2016).

In 2015, we rescued 52 boys from Bangalore. We rescued them from an agarbati (incense sticks) company. They were from places like Orang, Rangapara, and Udalguri. Out of the 52, two were from Arunachal Pradesh, rest were from Assam. The traffickers said that they would give jobs in Bangalore. After reaching Bangalore they had recruited them in a factory. There were some boys who were stranded there for two to three years, while there were some who were there for four years. In the first few months of their recruitment they had sent money to their families. However, later their families had stopped receiving money. On further probe we were told by the boys that their daily wage was 10 rupees and that they were provided meal twice a day.

We don't keep boys in shelter home. After rescue when they return to Assam we register their names and sent them back to their homes. We do so in cooperation with Guwahati Railway Police Station (GRPS) and accordingly book their tickets for their respective homes and sent them back. Further, they go by themselves and we do not escort them (Tiloka, Assam, March 7, 2016).

The narrative refers to the gendered understanding of human trafficking and its allied protocols of rescue and rehabilitation. It informs that since men and boys are outside the construct of ‘chastity and purity’ they lay outside the gendered practice of rehabilitation and protection. It

essentially denotes that only girls and women are rehabilitated and restored into societies. Since in this context victims were boys there was no requirement of rehabilitation and protection. Also the respondent stated that boys are easily welcomed by family and society while girls suffer abandonment and isolation from family and society. This is disclosed in the following section -

...The boys are more eager to return home. Their families too want them to return home. In this context the gender differences reflects because when a girl stays outside and then return home they undergo opposition and questioning by their community, village and family. A number of questions arise, such as where were they. Moreover there is stigma attached to girls. Due to which there is a question whether the family would accept her or not. If the family is ready to accept her they are scared of their community.

Shelter homes for boys exist. These shelter homes act like corrective homes for boys wherein they are kept under observation. These homes are for juvenile who commits punishable offence such as rape, murder and so forth (Tiloka, Assam, March 7, 2016).

The excerpt opens up that the framework of shelter homes which are normally meant for victims of sexual trade. The respondent informed that men and boys do not need shelter rather they need corrective homes in case of murder, rape or other kinds of punishable offences committed by them. It could be argued that the approach of rehabilitation is gendered since it appears that rehabilitation and rescue homes are essentially meant for one particular gender, i.e. women and typically for one category of human trafficking, i.e. sex trafficking.

4.4.2. Gendered Approach on Awareness Programme on Women and Trafficking:

The element of 'prevention' involved in the discourse of anti-trafficking mandates that organisation should adopt adequate awareness programmes to prevent and deter the phenomenon

of sex trafficking (UN, 2000, MWCD, n.d.). These awareness programmes are held to spread awareness and consciousness about the clandestine nature of sex trafficking.

This philosophy of awareness and prevention programmes are found to be gendered and androcentric in nature. It is revealed that it is an attempt to restrain the mobility and free will of women.

We begin the awareness programmes by speaking about women being inherently weak in education and economic spheres. Lack of education renders unawareness to women. They are ignorant about schemes and provisions given by the Government (Kamal, Assam, March 7, 2016).

The respondent in this narrative spells out the constructed gendered cause of sex trafficking, which in this context is the constructed and false understanding of the bodies of women. His awareness programme is repressive and gendered. Because it sends messages that since women are weak and uneducated they become easy targets of traffickers. Such a kind of consciousness would deepen the subjugation and marginalisation of women.

4.5. CONCLUSIONS:

In view of the above analyses and examination of oral narratives it can be argued that the stakeholders have incomplete comprehension of sex trafficking. Also, the study discovers that the point of stakeholders were not to battle against various situations involved in sex trafficking. The stories clearly mirror an over accentuation on sex trafficking. The justification of this accentuation are the polarities of profound norms of good and bad as well as morality and immorality attached to the bodies of women. The voices also reveal a deep tone of erupting sex markets, which is held as a necessary precondition to deal and uproot the problem of sex

trafficking. Also, the approach of rescue and rehabilitation is found to be gendered and androcentric in nature.

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Personal Interviews

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Josephina, Meghalaya, July 27, 2016

Jyoti, Assam, November 25, 2016

Kamal, Assam, March 7, 2016

Laxmi, Assam, February 17th, 2017

Manjula, Assam, March 1, 2016

Mary, Meghalaya, July 16, 2016

Neena, Meghalaya, July 7, 2016

Noor, Assam, October 19, 2017.

Rahul, Meghalaya, July 11, 2016.

Rita, Meghalaya, July 16, 2016

Rev. David, Meghalaya, July 26, 2016.

Samuel, Meghalaya, July 13, 2016

Sarita, Assam, July 13, 2016

Shalu, Assam, March 1, 2017

Tiloka, Assam, March 7, 2016

CHAPTER-V

LIFE STORIES

5.1. INTRODUCTION:

The preceding chapters discussed the arguments and debates on the phenomenon of sex trafficking. This chapter attempts to give an empirical account of sex trafficking in Assam and Meghalaya. It brings the standpoints of the victims of sex trafficking by delving into their lived realities. Further, to get a nuanced comprehension of the problem of sex trafficking it is a conscious attempt to contemplate and conceptualise the pre and post-rescue narratives of the victims.

It tries to understand the factors leading to sex trafficking, and the aftermath of sex trafficking upon the lives of victims. To build an epistemology on the post-rescue situations of trafficked victims this study takes into account the voices of residents of shelter homes. The respondents included victims of trafficking as well as others who resided in the shelter homes for trafficked victims.

This chapter also critically delves into the ‘subject’ of sex trafficking who is often argued to be an ‘innocent and ignorant’ victim. It attempts to analyse the construction of victims as ‘innocent and ignorant’. Hence, it seeks to understand the quotient of being an innocent victim.

The chapter is separated by four sections- by providing an account of the foundations of sex trafficking and the recruitment processes the first section aims to explain the broad context of sex trafficking. The second and third sections provide the pre and post-rescue accounts of rescued trafficked victims. The fourth section discusses other aspects of the phenomenon such as- earning, consent and non-consent, complexities involved in the anti-trafficking discourse, agency

of victims of trafficking, the corruption amongst police, a narrative of a victim transformed into a sex worker and the prototypical picture of a trafficked victim.

5.2. UNDERSTANDING SEX TRAFFICKING FROM A FEMINIST PERSPECTIVE:

The ensuing discussion is an analysis of the narratives and voices from the field. It aims to explain and problematise the different strands of the problem of sex trafficking.

5.2.1. Foundations of Sex trafficking:

The principal causes that are argued for sex trafficking are poverty, globalisation, natural calamities, conflict, urbanisation caste and class structure, low education, and others. However, the most predominant foundations that have been delineated by the literature on sex trafficking is ‘poverty’ (Silverman et.al., 2007, p 224).

The socio-economic conditions are one of the driving factors for both sex work and the trafficking industry. The feminisation of poverty is one of the push factors of both the industries. In an interview conducted in the Synod church in Shillong (Meghalaya), a sex worker, who had entered the profession by choice said- *“My husband passed away at a very early stage. I had five children to look after, and I did not have any other source of income, so I came to this business. I earned a good amount of money with which I could run my family”* (Isabelle, Meghalaya, December 4, 2016). The sex trafficking business likewise uses the same mechanism to exploit the girls and women who they transport in the disguise of money, better job, and other deceitful purposes.

Considering the other causes, this chapter argues that one of the central foundations of sex trafficking is the inherent and systemic gender oppression. The testimonies found that vulnerability of the victims are based on the virtue of their gender.

On the day of Eid, a boy came to my aunt and asked for my hand in marriage. [Laughs]. I was then eleven years old. I was yet to have my first periods²⁸. My aunt passed on the news to my brothers. They came and the decision for the marriage was taken.

I was young. My breasts are yet to develop and I haven't got my periods. I wondered how they could decide on my marriage. There was no other way because the boy would not listen. He wanted to marry me²⁹ (Raziya, Assam, October 10, 2016)

This case shows that the respondent was a child and she was a victim of child marriage. The story also unveils the impact of an androcentric society where power and hierarchy lie in the hands of men. It shows that due to the patriarchal construct, Raziya's voice or desire was undermined. The desire of the boy who wanted to marry her became central to her family and overpowered her desire and dreams. Her story also shows another dimension of patriarchy which is reflected in her voice which said that the boy was adamant to marry her.

...I was taken to my village and forcefully married. As I still had to get my first periods, my husband was not allowed to stay with me. I got my periods after three months of my marriage. Accordingly, they made space for us in the kitchen... (Raziya, Assam, October 10, 2016).

Raziya's economic condition is reflected in this narrative as she says that she and her husband were given a space in the kitchen. This reflects that apart from the kitchen there was no separate space to accommodate the newly married couple.

...Though we stayed together I did not allow my husband to touch me. My father received this complaint and he came to resolve this issue. He spoke to me and tried to convince me. I questioned him why he forcefully got me

²⁸ "Tetiya mur 11 bosor, tetia mur mashik huwa nai, biyar pasote hobo saage" (Raziya, Assam, October 10, 2016).

²⁹ "Lora tu namane nohoi biya patiboe raji hol" (Raziya, Assam, October 10, 2016).

married to this person? My in-laws started to beat me up everyday, my husband would always have a daah (sickle) in his hand and he would wait at the entrance of my room. They feared that I would run away. [Laughs] I fled away from his house and then headed for Guwahati. From there I went to Meghalaya with one of my friends to work in the coal mines. I met a boy there who liked me and wanted us to get married. I agreed to his proposal (Cries). Yet later he left me (Raziya, Assam, October 10, 2016)

This section of Raziya's narrative reflects that although girls and women who are vulnerable and victims of gendered atrocities demonstrate and possess agency and decision-making ability. They are not passive agents' rather they are active decision making individuals. In spite of being victims of gender-based violence, they evolve as survivors who like Raziya show resentment through her decision to not consummate with her husband.

...Nevertheless, after marriage, he (second husband) took me to his house. After three months of our marriage, I was told that I was pregnant. I was not even aware of my pregnancy, my mother in law noticed that my stomach was coming out and then she inquired about my cycle and told me that I was pregnant [Laughs]. I delivered the child, but my husband did not come to see her. So I went to Meghalaya with my one month old child. We stayed there for two months. My husband would beat me and my child. Therefore, I decided to leave him and return to Guwahati to my aunt's place. One day my uncle came to my room and he forced himself upon me. After a few days of the incident, my aunt too asked me to leave her place (Raziya, Assam, October 10, 2016).

Raziya has an extensive story of oppression which begins with child marriage, the incidence of the rape by her uncle, domestic violence, and eventually the abandonment by her husband. The narrative revealed a story of oppression and violence. It also gave a glimpse of Raziya's economic condition which is reflected in her narrative. Her narrative discloses the primary

causes of sex trafficking which is basically entrenched in the gendered oppression of women and poverty.

Similarly, the following case of Tuhin shows that her vulnerability was primarily because of her socio-economic condition.

I am from Nagaon. We are a family of eight- my parents, three sisters and three brothers. When I was around 15 or 16 years old I used to work as a part time worker along with my mother. Both I and my mother worked in different households. We both worked as part time domestic helpers. However, since 'Assamese' families maintain strict rules for menstruating women, my mother would abstain from work during her menstruation and I was sent in place of her (Tuhin, Assam, February 18, 2015).

Another respondent says-

I am from the Mangaldai district of Assam. I lived with my father and stepmother. My father abandoned my biological mother. Due to the atrocities that my stepmother cast on me, I had to drop out of school. I was a girl child and so my father was not bothered about my education. He wanted a son and this was the reason for my mother's abandonment. He got a son from my stepmother (Madhu, Assam, October 12, 2015).

From the narratives, it follows that the varied causes of the problem are rooted in 'the social construct of 'woman' as the second sex' (Beauvoir, 2011). It reflects a patriarchal positioning of women in society. The voices reveal that the victims are targets of sex trafficking because of their multiple exploitations and domination which begins from their childhood. This construct henceforth presented the respondents as an easy target of sex trafficking.

5.2.2. The Multiple Process of Recruitment:

The commonly used means of recruitment that came forth within the present context of the study are deceptions (UN, 2000). The narratives revealed that traffickers traffic girls and women with false promises of job, love or marriage. It also found that the traffickers recruited victims in the name of sightseeing. This is reflected in the following narrative-

...I was not taken by any male person ('dalal'), rather I was taken by a girl. I met 'Juhi' when I went to work. My mother was in her cycle so I went alone. Juhi would come to work with somebody whom she called her mother, which later on was found to be a disguise to trap me. She would come to work in just the house that was opposite to the place that I worked for. But I am not sure if she used to work there or do something else (Tuhin, Assam, February 18, 2015).

The voice unveils that a *dalal* (trafficker) is typically a male person. This understanding of the respondent possibly could have trickled down from her conceived notions of the category of men and women. The process of recruitment essentially began with deception. Tuhin's trafficker (Juhi) had set the entire trap to target and traffic her. She (Juhi) worked in the house opposite to where Tuhin worked. The subsequent narrative of Tuhin spells out how Juhi strategically trafficked her (Tuhin).

Once Juhi met me and asked 'Do you work here?' I said 'Yes whenever my mother is ill I come for work here.' From that day onwards we both came to work together and left home together. She would often treat me with something or the other; she would love me a lot. For almost nine months she would accompany me for work. She hailed from Kolkata. Nonetheless, she had rented a house in Nagaon. She stayed with a man whom she claimed to be her boyfriend. She was around 49 or 50 years old (Tuhin, Assam, February 18, 2015).

This shows how subtly Juhi (the trafficker) trapped Tuhin. She (Juhi) first became friends with Tuhin. Also understanding that Tuhin could not afford to go to a restaurant and treat her, Juhi materialised on that and began to treat her often. This created an impact on Tuhin's mind which is reflected in her narrative when she said that Juhi loved her. An integral point in this narrative is that traffickers invest ample time and money to get and traffic victims into commercial sex exploitation. The ensuing section of Tuhin's narrative reveals that Juhi was already known to be a trafficker who took girls and women from Nagaon.

...Since we both use to go work together, I told my mother about her that I met a girl who also comes with her mother for work and we all go together, my mother instantly asked 'Who is she' I told her name, she then replied 'I know Juhi and she is not a girl, she is a woman and not a 'good' one. I know her'³⁰. She would always change her place, sometimes she would stay here sometimes there. My mother asked me not to go with her anymore. She never stays in one place, my mother said. May be earlier also she took girls from Nagaon (Tuhin, Assam, February 18, 2015).

This reveals that Juhi was already known to be a trafficker. Tuhin's mother was aware that Juhi trafficked girls and women from Nagaon (Assam). This knowledge about Juhi raises a question that if the general public knew that she was a trafficker than possibly it could be the information of which the Nagaon authorities were not unaware of. The next section of Tuhin's narrative is the explication of how she was trafficked from Nagaon to Mumbai.

Tuhin says-

I was too young I did not take it seriously and ignored my mother's word. Juhi asked me "Are you coming tomorrow? If yes, then come well-

³⁰ 'Tai suwali nohoi nohoi, moi taik sini pau, tai bhal nohoi, ketiaba eaat thaake ketiaba taat thake' (Tuhin, Assam, February 18, 2015).

dressed. Tomorrow we would go somewhere.” She gave me 500 on that day and said “you don’t need to work so hard every day. Take Rs.500 and don’t tell your mother that I have given you the money. The next day I wore my best dress and left to meet her. We first took a rickshaw then in a small car we came to Guwahati Station. When we reached the station, her boyfriend offered me a bottle of cold drinks. Drinking that made me feel drowsy and sleepy. I woke up the next day and saw myself on the train (Tuhin, Assam, February 18, 2015).

Juhi after spending nine months to trap her finally laid the net to traffic Tuhin. In the name of visiting and sightseeing Guwahati, she deceived her. The mode of communication that was used to traffic her was rickshaw, car and the train.

...I told them you got me on the train yesterday and till today I am on the train. Where are you taking me? I cried a lot. They told me “Don’t worry we are taking you to a good place.” How long can I cry? They did not let me cry in front of anyone. They made me sit in between. There were other people as well and they started to ask me “Why are you crying?” They replied in place of me. They said that, “She is my sister, she is crying because she is going for the first time.” I told her very softly that you are no sister to me and you brought me just to visit Guwahati. She scolded me then and asked to be silent (Tuhin, Assam, February 18, 2015).

Fellow passengers in trains sometimes take an interest in the victims (Rosy, Meghalaya, 29/03/2017). This interest is generated through the victim’s sudden reaction to being forcibly taken. In Tuhin’s case, the passengers noticed that she cried and out of curiosity the passengers asked as well. However, due to ignorance and unawareness of the phenomenon of sex trafficking the passengers could not identify that the girl could possibly be in a situation of being trafficked. Tuhin’s recruitment process reveals that traffickers spend a considerable amount of time to gain the trust and faith of the victims. The narrative also pointed out that traffickers materialised on

the dual vulnerability of the victims. Tuhin's vulnerability was enmeshed within her 'secondary gender' and class which pushes her in the periphery and makes her susceptible to sex trafficking.

The process of recruitment is again explained with the help of another testimony.

A contractor approached me while I was standing with my child and asked me if I would work for him. I needed money so I went and worked on his construction site. It was the fifth day of my work; a woman came to me and asked "Would you come with me? You can have lunch at my place." I did not get much money to eat good food. I saw fish in her hands and I thought if she is inviting me, I can go with her. After lunch, she gave me and my daughter a new dress to wear and took me to paltan bazaar (Guwahati, Assam). There she booked two tickets to Silchar. Then I did not know about the name of the place. I asked her "Where are you taking me?" She said, "I am taking you to work somewhere; you would also get someone to look after the child³¹." I thought it might be good for me and then I left for Silchar. Then she took me to a rented house in Silchar and pushed me to a room with a 'customer' and latched the door from the outside (Raziya, Assam, October 10, 2016).

This case shows a similar approach to the trafficker. The mere fact of approaching Raziya with 'fish' in the trafficker's hands shows that she understood that Raziya was longing for money and food. The trafficker understood her vulnerability and trapped her into trafficking. In this particular trafficking process, Raziya's vulnerability as a new mother was also materialised by the trafficker.

...I eloped from my home and came to Guwahati. I thought I would find my maternal aunt who I knew resided near the Guwahati club. However, I failed to locate her. I got down near Beltola and was walking through the lanes. I met a Bengali man called Roshan Kundu. He offered me work and

³¹ "Moi tuk kobat kaam koribo dim, suwali tu rakhibo manuh aase toi sinta koribo nalage" (Raziya, Assam, October 10, 2016).

shelter in his house. He asked me to work as domestic help. I agreed to his proposal. Initially, I was asked to do household work.

Although I found a girl with many male visitors I did not suspect that something was wrong in his house. After a week I was asked to give a glass of water to a man who was sitting in one of the rooms. As soon as I entered to give the glass of water someone from outside locked us in that room. I panicked and could not understand what was happening. The man told me that I had to do sex with him (Madhu, Assam, October 12, 2015).

Naushad says-

Without informing anyone I left with them. We boarded a train from Chandiya Gaon and arrived in Bongaigaon. When I reached there Sarijan offered me a cup of tea, which made me unconscious. I regained consciousness and found myself on a train. Seeing myself with them on another train I started to scream and shout. Passengers on the train started to become curious and questioned them. She controlled the situation and told the passengers that I was her daughter and was mentally unwell. They said that I was taken to the hospital for treatment of my mental condition. Her story was believed by the passengers (Naushad Banoo, Assam, February 29, 2016)

Ranju says-

In the guise of marrying me, my boyfriend brought me to Mumbai. I was put up in his relative's residence. There I was locked for five days. They eventually took me to a brothel and sold me there. The owner told me that I was bought by her and I could leave the place only if I repaid the amount (Ranju, Assam, August 18, 2016).

As discussed in Chapter IV an examination of these testimonies shows that traffickers have materialised and manipulated the victims with false guarantees of job and marriage. In this context, the research unfolds that 'deception and fraud' are the most commonly used means to

recruit vulnerable victims into trafficking. Out of 70 trafficked victims, 22 were recruited with false promises of jobs, and 19 were with false promises of marriage and love. These numbers reflect women's desire to become economically independent. It also shows that many girls and women want to move to another place which will offer economic prosperity and other opportunities for livelihood. Nevertheless, women's desires for self-dependence are exploited by traffickers, i.e. they prey on these wishes, lure them with fake promises and eventually sell them. It was also found that victims were manipulated to consent with false concern, care, and love. This 'politics of love' is argued to be a recruitment tactic to achieve consent and recruit girls and women into prostitution. This is revealed in the following narrative-

Didi (the brothel owner) truly showed concern for my child and scolded the other woman who brought me to Silchar for beating me and my child. She told me not to work until my child recovers from fever. After that, the woman (trafficker) pleaded sorry and I said that there is no use saying sorry; rather, she should get my daughter medicine. My daughter's cheeks got swollen from her beatings (Raziya, Assam, October 10, 2016).

By displaying care and concern the brothel owner achieved Raziya's consent. Although, this recruitment technique has not been discussed in the existing literature of trafficking, nevertheless this research claims that recruiters also used 'love and concern' to achieve the consent of victims.

5.3. THE PRE-RESCUE STORIES:

It is vital to have a look into the pre-rescue stories to understand the economics (buying and selling) of sex trafficking, the exploitations, and marginalisations that victims undergo while being forced into the commercial sex.

5.3.1. Stories of Merchandise:

Sex trafficking is illegal commerce, that deals with girls and women being transacted as lucrative merchandise. Reflecting on this aspect of ‘merchandise’ the narratives show how bodies of girls and women are bought and sold. The following are the narratives of respondents that echo this aspect of bodies being used as merchandise.

I was taken to Thane (Mumbai). On arrival at the destination, the traffickers made a call to a person. After a while, I was forced into a red Maruti car that arrived at the station. He dropped us at a person's house. Sarijan (trafficker) left me there saying that she would return after a while. I waited for long hours but she did not return. I asked the man in whose house I was. I asked him when she would return.

He (buyer) told me that she had sold me to him and now I have to work for him. I asked him what kind of work? He then told me that I would have to work in the sex market. Hearing this I cried incessantly. I was coerced to work in the sex market and for the next three months, I continued to work in one of the brothels in Kolkata (Naushad Banoo, Assam, February 29, 2016).

The narrative opens up the debate of bodies being used as merchandise. This is the basic framework upon which the phenomenon of sex trafficking lies. It is essentially trade in girls and women for commercial sex exploitation. Within this trade, the bodies of vulnerable girls and women become lucrative objects of purchase. The bodies like ‘lifeless and voiceless objects’ become commodities of exchange.

5.3.2. Breaking-in:

‘Breaking-in’ refers to the different types of mental and physical violence to force victim into sex work. The victims of trafficking are forced through extreme forms of violence such as rape,

torture, burning of genitals to break-in victims and force them to work in the sex markets (Brown, 2000, Huda, 2006, Human Rights Watch/Asia, 1995, Sen & Nair, 2005). Along with physical and mental violence, this study has found that traffickers manipulated victims with care and concern and in a non-violent yet manipulative way broke victims into working as sex workers.

They took me to a flat and for a month they locked me in a room. I cried for days. I wanted to run away but could not do so since Juhi would always escort me. In the first month, she never did anything wrong to me. Slowly when I started to like that place, they gave me good clothes and good food. They provided with all the comfort. The only thing they did not give me was a call to my mother. After staying for one and half months I became very fair, she did my eyebrows, did my waxing, permanently straightened my hair, she made me like a model. After that, she would dress me up with good clothes and click pictures of me. More than my mother, she loved me and would care about me. She would give me everything; never did I felt the scarcity of anything (Tuhin, Assam, February 18, 2015).

The breaking-in technique of Tuhin was not physical violence but psychological manipulation done with the care and concern. The research would term this as ‘politics of love’ that has been historically used by the patriarchal society to normalise violence and achieve the non-willful consent of women. Through the mechanism of love, women are psychologically forced into situations in which women otherwise are uncomfortable and unhappy. With the tool of ‘love’, women are emotionally and psychologically abused. This mechanism is applied with Tuhin to achieve her consent into working as a sex worker. The breaking-in violence is further revealed in the account of the following respondents.

Roshan entered the room in anger. He told me that I was bound to do sex with the customer. If I did not listen to what he said it would have severe consequences upon me. Roshan started to beat me and he continued until I was unconscious. When I regained my consciousness I found bruises all over my body and I realised that I was raped. Then after, I was forced to have sex with at least five men a day. I was instructed to serve alcohol to my customers. I was even forced to consume alcohol by the customers. Whenever I refused to have sex I was beaten by Roshan and his wife. His sister-in-law too worked as a prostitute. I soon discovered that people inside the campus were running a sex racket (Madhu, Assam, October 12, 2015).

...Till the moment I agreed to work I was abused and beaten badly. I worked there for two years. My abuse did not end with my agreement to work in the business. If I failed to satisfy my customers I was beaten by them (owner and customers) as well (Lipika, Assam, August 24, 2015).

This validates that victims of trafficking experience profound types of breaking-in violence which then leads to the victims' constrained consent. As has been discussed in Chapter IV, victims of trafficking are sexually and physically assaulted to force them into sex work.

5.3.3. Exploitation and Violence:

Victims of sex trafficking are subjected to forced prostitution and also undergo a multitude of sexual exploitation. Along with it, sex trafficking incurs psychological, emotional and economic exploitation. An example of such exploitation is disclosed below-

After six years, I told Didi (elder sister) that I had a dream. I dreamt that my father was unwell. I expressed a desire to see him. I told her that I needed to go home. She told me that "You cannot leave this place." It then struck to my mind: "Was I sold here?" Didi (brothel owner) said, "You

are sold here.” I was shocked to hear this³². Again she said, “You cannot go until you return my money.” When I asked her the amount, she said “Keep on working. The day the amount is repaid I will let you know” (Raziya, Assam, October 10, 2016).

The story of Raziya unravels layers of exploitation of trust and labour. Until six years of her engagement in the brothel, she was unaware that she was sold. The reality of her being trafficked was disclosed when she expressed her desire to go back home. Not only was she (Raziya) ignorant about her being sold in the brothel also she was unaware of the debt that was levied upon her. In addition, victims of trafficking are kept unknown about the amount and interest they had to pay for their freedom.

I was never given money in cash. I attended to customers of different age groups. I never knew how many customers I attended in a day since I was always in an unconscious state of mind. One day I felt ill. However, instead of taking me to the doctor, a bottle of blood was extracted from my body. It was shown to me. They told me that it is the amount that they spent on me. My hands were cut a number of times. Bibi (trafficker) also had cut marks in her hand (Naushad Banoo, Assam, February 29, 2016).

Naushad’s story reflected that victims of trafficking undergo extreme forms of exploitation. Her testimony showed that her recruiters physically, psychologically and economically exploited her. Her labour was exploited to the extent that she did not have a count on the number of customers she attended in a day. Also, her narrative reveals an integral aspect of exploitation that victims of trafficking undergo. It shows that she was intoxicated so much so that most of the time she laid unconscious.

...He (customer) was neither too young nor too old, somewhere around 27 or 28 years old. I did not know that Juhi would earn something from me.

³² “*Moi chok khai golu. Bikri! Ki Bikri.*” (Raziya, Assam, October 10, 2016).

She took me and booked a five star hotel. That man caught my hand and since there were so many people around so I could not do anything. He took me to a room which got automatically locked. I tried to get out of the room but the door was locked. The man came out of the washroom and asked me “are you trying to open the door?” I said yes. He smiled and said that- “the door would not open, it’s an automatic one and I have the keys with me”. I asked for the keys but he refused and had put it inside the almirah.

When he opened the almirah I saw his uniform. I asked him about the uniform. He said not to be afraid and that he was the police. I started to shout and scream. He told me not to be scared, but I said that I need to go from here. He then took out his pistol and put it on the bed. He told me, “Do not shout. See the pistol is on the bed, I will shoot you now”. I said that I need to go home. Since the time Juhi got me in Mumbai, I have not gone home. When I started to scream he took my scarf and tied my mouth. Then again, I tried to shout, but he sat down and started to drink. He undressed me and tied my legs and hands from behind and dumped me on the bed. He too undressed and came over me, when he was just about to get on me, I hit on his genital and he fell off from the bed. I think he got hurt there. Then after he started to abuse me, and said that- “How dare you hit me? To have sex I bought you with so much money”. Then he shot me on my leg. Though the bullet did not touch my bone, yet it went through the muscles of my leg. I still have scars on my leg.

Whenever I denied working, Juhi (trafficker) threaten me and said that she would send me again to the police who shot me. She would beat me up. Customers also burnt me with cigarettes. After my first customer, I started to bleed heavily. If sometimes I refused to go with customers, Juhi beat me up (Tuhin, Assam, February 18, 2015).

The story of Tuhin unfolds layers of violence and complexities involved in sex trafficking. Her story reveals the multitude of violence exerted upon a victim of trafficking. Tuhin was physically and psychologically assaulted not only by Juhi (the trafficker) but also by her customers.

Further, until she was taken to the customer who was the police she did not know the purpose for which Juhi (trafficker) got her in Mumbai. This case shows that victims are exposed to extreme forms of violence which could be fatal. Also, as proof of her injury, the researcher was shown the mark of the bullet shot.

This case also brings into the question that whether sex trafficking flourishes due to the support and involvement of state machineries. This argument has been stirred from Tuhin's case where the customer was police himself. Tuhin case truly problematises the manifestation of the phenomenon of sex trafficking.

5.3.4. Lived Realities of the Place of Business:

The brothels and spaces for commercial sexual transactions such as flat and dance bars are integral spaces to perceive since it would provide a nuanced understanding of the structures and situations in which victims of trafficking are trapped and exploited. The ensuing narratives would help to envisage these spaces.

All the girls in Silchar were like me. They were sold by traffickers ('dalals'). When I entered Didi's (brothel owner) home for the first time there were atleast 10 to 12 girls. There was no place to accommodate all the girls. We slept on the balcony, and some were on the terrace. Later there were 30 girls working with Didi (elder sister). They all came from districts like Goalpara, New Bongaigaon, and Cooch Behar, and also we had girls from Meghalaya and Bihar. Some eloped from there. In the ten

years, not many could manage to elope. Only five girls had eloped from there (Raziya, Assam, October 10, 2016).

This narrative showed the intensity of trafficking in Assam and Meghalaya. It revealed the vulnerability and susceptibility of girls and women in Assam and Meghalaya. Further, the narrative shows that the phenomenon is so much on the rise that Raziya's brothel had no place to accommodate the trafficked girls and women.

Moreover, the testimony of Raziya has referred to the brothel as the 'home of the owner'. This shows the Freudian consciousness of internalised concepts of 'good' and 'bad' spaces. Raziya subconsciously chose to use the phrase 'Didi's home' because being within the space of a shelter home she is conscious of the fact that spaces such as brothel are considered as 'immoral spaces'.

The rules of the 'place in Silchar' were: a) we were not allowed to use a mobile phone in the brothel. All our phones were kept with Didi. b) In the brothel, we were not allowed to go out. Our gate was always locked and we had one guard there who previously worked like us. We were only permitted to go to our Didi's shop. Only the guard was allowed to go anywhere she wished. It is only during Durga Puja that we were taken out in our locality.

In Silchar we were provided with good food, all toiletries were provided to us, like shampoo, hair oil, and others. I was earning there and was never deprived of money³³ (Raziya, Assam, October 10, 2016).

Trafficked victims are incarcerated and captivated within the brothels. The testimony discloses the brothel to be restrictive and controlled spaces wherein the bodies of trafficked victims are always under surveillance. Nonetheless, Raziya's voice also shows that the victims are adequately provided with food and other items of personal use. This finding could be placed

³³ To refer to the brothel, Raziya used phrases like- the place where I lived in Silchar, or where the business (*thanda*) took place.

within the context of basic needs that are met and provided to the victims. These provisions could be to keep the bodies healthy, and beautiful. It could be a way to maintain the bodies of the trafficked victims to perform and serve well to the customers.

...‘Juhi’ and her boyfriend conducted the business inside a flat and they had networks all around. On contract, they would send the girls on to various places like Pune, Indore, and Bangalore. In Mumbai she would send the girls to hotels, dance bars or the customers would come to the flat. I attended customers in the flat from 11.00 am to 2.00 pm, and again from 3.00 pm to 10.00 pm, I was sent to the dance bars. I had to again attend from 10.00 pm to 1.00 am in the mornings (Tuhin, Assam, February 18, 2015).

Tuhin’s narrative speaks of the network in which the trafficking and forced sex work business operates. It reveals the organised structure of the business of sex trafficking. Besides, her narrative brings up the labour exploitation that victims of trafficking undergo. It shows that victims of trafficking are compelled to put extended hours of work. In this case, Tuhin works 12 hours a day.

...The flat was securely locked all throughout the day. Her (trafficker) boyfriend would be waiting out for the customers and only Juhi had access to the main door (Tuhin, Assam, February 18, 2015).

Similarly like Raziya, Tuhin has narrated that victims of trafficking are incarcerated and caged within these spaces of brothels. This incarceration is so securely monitored that at every exit there are doorkeepers to monitor the movement of sex workers.

In the dance bar, girls would be in a line and whichever girls the customer select, the girl has to go near him and dance. They would touch us and put the money in our breast or onto our skirts or pants or sometimes throw it in the air, for which we have to ran and collect the money. Sometimes

for a night customers would take us from the dance bars (Tuhin, Assam, February 18, 2015).

Tuhin not only served in the flat based brothels and hotels, but she also worked in the dance bars. Her narrative spoke about the physical touch made by customers. The notion of available bodies is constructed in such a way that the bodies of women who danced in the bars made the customers believe that these women are accessible and could be touched. Further, she expressed that her long hours of work did not end at the dance bar. After her job of dancing at the bars she also had to serve customers.

Similarly, Ranju recounted -

The rooms in the brothel were dark. There were no windows in our rooms. A number of girls were put in one room. Their beds were separated by curtains. I worked from 11.00 am till 1.00 am in the midnight. To each customer, I gave 10 minutes. I earned around Rs. 130 per customer which was taken by my owner. The charges of food and lodging were taken from the amount that we earned there (Ranju, Assam, August 18, 2016).

Shanti says-

Initially, I did not think it to be a brothel. I saw many girls and boys who were dancing and sleeping there. However, there were some girls who were nice to me. They told me that like them I too would be stuck there. They started to cry saying that they could not go anywhere. They said that there was nothing that could be done. One was bound to stay there. The girls consoled me and asked me to control my tears. They dressed me up and brought me to the dance floor of the bar. Their (girls) work is to dance there and whatever money they would collect they have to store in a box. One day I did not dance, as a consequence of which my box was empty. Therefore, on account of my denial, I was beaten very hard. The

place was both a dance bar and a brothel (Shanti, Assam, January 12, 2017).

The same work conditions have been reflected in Lipika's narrative as well-

There were small cages like rooms which were gloomy and dark. There were no windows in our rooms. In the rooms of the brothel the owner did not keep the provision of windows because he was scared that we would elope through the windows. Guards were appointed at every point of entry and exit of a brothel.

I worked from 11.00 am in the morning till 1.00 am in the midnight. We gave 10 minutes to each customer. Beyond 10 minutes, extra charges had to be paid by the customers. I was paid Rs.130 for each customer, out of which I was given Rs. 20 only (Lipika, Assam, August 24, 2015).

These stories show that the brothel was congested and over packed with customers and sex workers. It shows that victims are under constant surveillance by the guard and security of the brothel. It also reveals that with no economic benefits victims were forced to engage in long hours of work. It highlights the helplessness of the victims which compelled them to work in the trade.

Despite the torture, we were provided with good food. However, we were not allowed to go out. Whenever we went out we were escorted by a guard and we always would be in groups (Naushad Banoo, Assam, February 29, 2016).

Like Raziya, Naushad also confirms that in the brothel they were provided with good food. However, she like Tuhin and Raziya was captivated and incarcerated. These complaints and distress of being incarcerated have been expressed by all the respondents of this study. Victims often expressed their pain and agony while being incarcerated within the brothel spaces.

5.4. THE POST-RESCUE STORIES:

The post-rescue stories are about the 'life after rescue' of trafficked victims. This section seeks to examine the conditions and lived realities after the victims are rescued and rehabilitated in shelter homes. This would help to analyse whether the rights and interests of trafficked victims are restored after the rescue.

5.4.1. Raids, Rescue, and Rehabilitation

Raids, rescue, and rehabilitation are one of the major thrust areas that anti-trafficking campaigns and campaigners thrive upon. The ideological assumption of rescue and rehabilitation is that women and girls are freed from the services of servitude. They regain their freedom. The finding of this research raises concerns on this matrix of raids, rescue, and rehabilitation. These concerns evolve in the following excerpts-

Lipika said-

...Police raided our brothels, however, they deterred from taking action. This is because they were bribed by malik [owner]. Further, police were provided with free sex. There was no restriction on the amount of time that police could spend with a sex worker. Services were made free for them (Lipika, Assam, August 24, 2015)....

Another respondent said -

Our brothel was raided by the police. However, these raids were futile since our owners bribed them with money and free sex. During raids, we were hidden in spaces between the roofs and walls. To outsiders, these hiding spaces looked like walls. I was not rescued by police rather I eloped from the brothel (Ranju, Assam, August 18, 2016).

Shanti said-

Thereby, they raided the brothel and caught 15 girls from there. The 15 girls were a huge number for the brothel owners to manage their release. To release a girl the Police charged the brothel managers a sum of Rs. 100000. Therefore, by paying Rs. 300000 the brothel owner took back three girls. However, I was not amongst the three girls who were chosen to be taken back to the brothel.

Therefore, since I was from Assam the Police transferred me first to Mumbai Rescue Home and then from there I was sent to Guwahati (Shanti, Assam, January 12, 2017).

These three stories showed that raids were compromised in exchange for free sex and money. This complicates the purpose of the anti-trafficking discourse. Because the present narratives reveal an alternative picture of raids and rescue, which leads one to the question on whether ‘victims’ are at the locus of the discourse. This study finds that victims are not central to the drive against sex trafficking.

5.4.2. Shelter Home: The Place for ‘Rehabilitation’:

After the rescue, victims of trafficking are restored in the shelter homes. Within these spaces, they become to be identified as rescued trafficked victims who need moral purification and cleansing. Based on the conceptualisation of sex trafficking one can observe an intrinsic moral and immoral aspect associated with the discourse of trafficking. The trafficked victims, though not criminalised in the eye of the law, however, they become to be socially criminalised by the organisations and the society at large.

Like Silchar, gates were locked throughout the day and night in the shelter home. However, since I was the guard of the rescue home, I was allowed to go out. I can go out on the orders of the incharge of the home. When she wants me to purchase something then I am allowed to go out. But other girls could not step out of the home. We were not allowed to use mobile phones in the home. Our phones were needed to be kept with the incharge. If somebody gives me ten rupees I would get chillies for myself, or sometimes buy a one rupee shampoo sachet. However, in Silchar, I had got big bottles of shampoo and hair oil (Raziya, Assam, October 10, 2016).

Lipika says-

It has been two years that I am in this shelter home. I was being transferred from the Mumbai Rescue Home. All throughout the day gates in our shelter home are locked. We have a guard who is the custodian of keys. She (guard) was a girl who was a resident of our home and since she has been in the home for a long time she was trusted by the staff of the shelter home and was made the guard of the shelter home (Lipika, Assam, August 24, 2015).

Raziya's and Lipika's recounts spell out that the violation of the rights of victims does not end with the rescue. The common complaint that the victims expressed is being incarcerated within these shelter homes. Their desires are being subdued by the imposition of rules and regulations within the shelter homes.

Their consent is not taken into account in the pre-rescue as well as in the post-rescue. It was found that their identity of a 'trafficked woman' reduces them to individuals who have lost their morality, needs immediate cleansing, so to restore them to society. Their voices are not heard and tried to be silenced. One of the respondents told the researcher that - *"Didi (researcher) the*

way I told you my story, I wanted to talk about it with 'Baideo' (staff) as well. But, she would always ask me to shut up and not talk about all this" (Muskaan, Assam, September 13, 2016).

Further, in an attempt to listen to the voices the researcher had conducted a small exercise with the inmates, which was called – Adda- *'A talk with girls and women of strength.'* In that event, one of the girls referred to the shelter home as a 'jail'³⁴. When the researcher tried to explain to them about gender constructs and shared each other the experiences of gendered oppression one of the girls expressed her views and standpoint in the following way-

...I wanted to study but since I had so many siblings, my brother's education was given preference. I might be a 'girl' but the things I have done for my family no one can do that. I was paying for my brothers' education, as well as got my sister married. I am in this 'jail' now; I know what my family is going through without money and income. I went to Mumbai to work for my family, I went to my sister's home first. I worked there and send money to my home (Feroza, Assam, October 4, 2015).

Florence says-

Here too the gates are locked, but I would never try to elope because I am not like that. I know I have to complete one year, after which I would be set free (Florence, Assam, February 18, 2015).

The following section sketches an outlook and also gives a vivid description and analysis of one of the studied shelter homes. This sketch is established through the testimony of Jonaki.

The shelter home was dirty [stressed]. We were not given proper food to eat. Whenever our groceries and eatables were supplied we did not get the complete share of it. They (staff) kept everything with themselves. They would give us rotten food to cook, which made many girls fall sick. We were provided with one bucket of water which we had to use both for

³⁴ Several respondents used the term 'jail' to refer to their confinement in the shelter homes.

bathing and toilet purposes³⁵. There was no facility within the shelter home. We were not given the clothes that came for us. If visitors gave us money, that too would be kept by the staff of the shelter home. We were not allowed to go outside [in a more stressed voice], not allowed to watch the television. In the night boys of the locality would come, use to bang at our gate and would leave after a while.

Our mobile phones, money and other valuables were seized at the moment of entry into the shelter home. A specific time table was followed in the shelter home. If a guardian visits the shelter home outside the allotted time they would not allow meeting the residents. They also locked us in the shelter home. Due to all these reasons around 12 to 15 girls eloped from the shelter home. This made the staff double locks the gates.

The staff even covered the grills and windows with sacks so that these type of incidents do not occur again. Basically, it was done to prevent boys from peeping into the home. Earlier there were no curtains. We sat there and had our chats and laughter (Jonaki, Assam, October 4, 2015).

As discussed in the previous chapter (Chapter IV), the study found that the shelter home is equally a site of immense exploitation of victims of trafficking. The respondents perceived the site of shelter homes as restrictive and regulated spaces wherein their mobility, voice and desires are controlled and regulated. This is further revealed in the following excerpt of Jonaki. She speaks about the basic provision of food and other items of use.

We were not provided with any kind of daily essentials such as soap, shampoo, surf, etc. My necessary items of use were provided by Rakib. He would bring shampoo and other items for me. OC (Office-in-Charge) Sir of the police station where I was held knew that we were not given anything in the shelter home. Thereby, he asked Rakib to provide me with

³⁵ Defecation of women is one amongst the unspoken human functions of the body. The respondent used an indirect phrase to mean defecation (Jonaki, Assam, October 4, 2015).

the things that I would require in the Home. Since no one would get shampoo or other things to wash I would always share my shampoo with them. In the absence of shampoo and soap, most of the girls took a bath with plain water. Further, during our menstrual cycle, we were not provided with sanitary napkins. During those days we tear our clothes and use them. Thereby, we faced immense difficulty in the home, particularly during our menstruating days (Jonaki, Assam, October 4, 2015).

The excerpt divulges the atrocities that victims of trafficking undergo in post-rescue and rehabilitative situations. Jonaki's testimony discloses that residents within shelter homes are not adequately provided with the necessary items of use. This then creates dissatisfaction and discontentment among the victims. Unable to bear these difficulties many victims elope and get re trafficked.

Jonaki said-

If any of the girls missed their menstrual cycle and had it later, Baideo (staff) would not trust until they show them and confirm that they were in their cycles. They would constantly ask the reason for the delay in the cycle. They wonder whether we are pregnant. They told us that we had to undergo a pregnancy test. They would ask whether we had any kind of sexual intercourse for which we missed our periods. Therefore, when we got our periods we had no other option but to show them our menstrual blood so as to confirm that we were in our cycles³⁶

I missed my cycle and so I was repeatedly interrogated by them (staff). When I had my periods I threw my panty to their face. There were two Bodo girls who did the same (Jonaki, Assam, October 4, 2015).

³⁶ "Aaru Jodi kabar periods du dinu pisuai goise, aaru hehotor Jodi hoise bisakh nokore. Dekhuwai dibo lagibo periods hoise ne nai" (Jonaki, Assam, October 4, 2015).

This section of Jonaki's testimony raises serious concerns about the insensitivity of the staff in the shelter home. It also brings forth the gender insensitive attitude of the staff. This gender insensitivity is reflected in their internalised notions of chastity and purity which is reflected in their attempts to check the cycle of the victims. To unravel the reality of these rehabilitative spaces Jonaki vividly gives a description of the food menu.

In the morning we were given tea with either 'roti' [indian bread] or semolina³⁷. If they gave sugar in the halwa the tea will be unsweetened. At around 3 o'clock in the afternoon, we were given dal and rice. Vegetables were rarely served to us. In the evening they gave us a cup of black salted tea. At around 9:30 pm or 10.00 pm, we were served dinner with the same menu as that of lunch. We were seldom served with any non-vegetarian food items. We were fortunate to have non-vegetarian food only when the guardians of residents brought meat or fish when they visited the shelter home (Jonaki, Assam, October 4, 2015).

Lipika said-

...We are not given proper food to eat and clothes to wear. The clothes which I have are what I got from Mumbai. During our periods we have to use cloth. Further, although we were given vocational training, yet I feel it is not sufficient to earn a living (Lipika, Assam, August 24, 2015).

Ranju said-

It has been one and a half years that I have been stranded in the home. In this home, we face issues such as lack of proper food. Neither we are provided with adequate toiletries such as soap, shampoo, and detergent nor are we given sanitary napkins. Further, undergarments were not provided to us which are a necessity for us. Since we are not given any snack items we have stopped having tea.

³⁷ "Suji halwa" (Jonaki, Assam, October 4, 2015).

Moreover, the vocational training which is given to us is not adequate for our sustenance. In this home we are just asked to do stitching; however, in Mumbai home, there was no dearth of facilities (Ranju, Assam, August 18, 2016).

Therefore, the research found that in both the sites, that is a brothel and shelter home rights and interests of girls and women are violated. The difference is that the former space [brothel] has been demonised and constructed as a site where girls and women are sexually brutalised and the latter [shelter home] is the provision of the State where these girls and women are rehabilitated.

The narratives reflect that the shelter homes become a site where the idea of a new morally cleansed life is imposed and inculcated on the victims. It was found that the victims who stay in the shelter homes for a prolonged period of time create a sense of dissatisfaction and discontentment among them. These feelings of unhappiness develop due to the denial of their basic daily necessities, restrictions on their mobility, and surveillance.

5.4.3. Exploitation and Violence in Rehabilitative Spaces:

The post-rescue narratives highlight the exploitation and violence of trafficked victims. They are subjected to psychological violence of ostracisation which results in their ‘Othering’. Within the shelter homes, they are infused with the feelings of repentance for forcefully engaging in sex work. These feelings develop from the repeated reiterations from the staff of the shelter homes. The victims are reminded again and again that they were associated with the ‘immoral’ profession of sex work which has made them ‘bad’ women. This creation of ‘bad’ women leads to their ostracisation and Othering. In addition to these kinds of psychological violence, the victims are also subjected to physical violence.

One day in the shelter home, madam (caretaker of the shelter home) beat my daughter. When I screamed at her, I was beaten up too. Again, another

day they doubted that I have money with me. Madam asked Manju to check me up. She checked under my inner garments and found Rs. 100 which was not stolen but was given to me by a girl who came to the shelter home. Madam snatched the money from me and never returned it. Sometimes when elder madam (general secretary of the organisation) gave me money, that money was also taken away from me. It was taken by the madam of the shelter home. She would say that she is spending the money on me and my child. Further, on disobedience Madam has not spared anyone. She has beaten up all 'inmates' of the shelter home (Raziya, Assam, October 10, 2016)

Raziya's testimony reveals that violence and exploitation do not end with the rescue. Victims are subjected to different kinds of psychological, physical and economic violence. Based on the voices of the respondents this study claims that in some of the shelter homes victims are subjected to physical and psychological violence. This finding is supplemented with the following narrative-

While sitting together four of us were discussing the plan to elope from the home. Baideo overheard us but could not understand what we were discussing. We laughed at her because she did not get a clue about our discussion. This made her furious and she charged us and she beat us up. I was badly beaten. I retaliated and screamed at her. I said that when I have not done anything wrong why she was beating me.

... Once, when Preety (resident) was not given the water to take bath she sat for hours in the bathroom. Though there was a water tank, she was denied her entitled bucket of water. The water tank in the shelter home was also monitored and kept locked. This was done to prevent girls from taking water without permission. When she came out of the bathroom Baideo started to beat her. When I went to stop she beat me too I said "For no reason you should not beat us". We are in this home because we are in trouble. We are here because we have a reason". When I said in

this way, she threatened me and said “I will kill you and throw you away. Nobody will come in search of you. You have no guardian and nobody knows you. I will throw you in the trash bin”. However, not every staff of the shelter was this violent. There was one Muslim staff who was very loving and caring toward us (Jonaki, Assam, October 4, 2015).

This case reflects extreme brutality inflicted upon the rescued trafficked victims. It establishes that rights and interest of rescued trafficked victims are violated within rehabilitative spaces. These spaces are exclusively intended to address the issues and interests of the trafficked victims. This philosophy is reflected in the schemes and provisions designed for victims within the shelter homes. The Ujjawala scheme which is discussed in Chapter III is a scheme designed to meet the needs of shelter and care for trafficked victims (MWCD, n.d.). However, in reality, this research found a violation of their rights and interest. To further understand this exploitation the following narrative speaks of the mistreatment meted out to trafficked victims.

When we were released from the shelter home the staff thoroughly checked our bodies and our bags as they suspected us that we might have stolen the valuables of the home. When girls are freed from the shelter home the other residents secretly give their phone number to contact their family members and ask for help. However, the staff would not allow us to do such a thing and so we had to do it secretly. (Jonaki, Assam, October 4, 2015).

This reflects that victims suffer a kind of ostracisation and marginalisation during the post-rescue period. They are constantly monitored and controlled. Jonaki’s narrative evidently shows that they treated them with suspicion and never trusted the victims.

Therefore, these narratives reveal that the rehabilitative spaces could not be entirely conceived as a space free from violence. The shelter homes are created for the protection of the victims during their post-rescue period, however, all the narratives reflect that the objectives of the shelter

homes are not fulfilled. Instead of giving them protection and rehabilitation, the shelter homes have become a space of violence. The victims are not only abused physically but also emotionally. Space which is meant for protection, rehabilitation and security have turned into space where victims are marginalised and subjected to violence.

5.5. OTHER DIMENSIONS TO THE DISCOURSE OF SEX TRAFFICKING:

There are varied dimensions of sex trafficking which are integral to discuss and analyse. It is found that the following dimensions are significant to understand the debate of sex trafficking.

5.5.1. Earning:

It was found that two trafficked victims earned while they gave services in the sex industry. This is revealed in the narratives of Raziya and Tuhin. Raziya gives an account from the changes in the rates of sex workers to the amount she earned in the brothel. She also recounts the purchases she made with those earnings.

When I went there (Silchar) for the first time, the rate was Rs. 50, two months later it increased to Rs. 100, and eventually to Rs.200. Finally, until I left it increased to Rs. 300. The reason for the hike was that the work which needed only five minutes, some customers would engage a girl for one to two hours. For the whole day, Didi (brothel owner) had fixed Rs. 1500. Didi (elder sister) would get the payment for my work and I would be given the tips. My earnings came from the tips of the customers. I even got Rs. 500 as tips but Didi was unaware of it [Laughs]. I did not spend the money, because if I did, she would come to know. During Durga Puja and New Year, she would give us two pairs of new clothes and took us out to the Puja pandals. In my duration of ten years in Silchar (Assam), I earned Rs. 5000 which I had deposited in the bank and also made gold jewelry. I made mattresses and pillows with my money and also got a DVD player for myself (Raziya, Assam, October 10, 2016).

Whatever Raziya earned was directly given to her brothel owner. Her earning was from the tips she received from her customers. Nonetheless, she earned a total amount of Rs. 5000 during her services of ten long years. She also purchased gold for herself. Raziya narrated about her earning with contentment and satisfaction. It reflected the sense of satisfaction that she had within her. The calculation of ten years and her earning would seem to be meager; nevertheless this research claims that some victims of trafficking make earnings while being in situations of servitude. Similarly, the following testimony reveals the same-

...The money was always kept with Juhi. After one and a half year she brought me back to Nagaon. She gave me Rs. 3,00,000 which I invested in buying a plot, repairing my house and also treating my mother (Tuhin, Assam, February 18, 2015).

This narrative reveals that within a span of one and half years Tuhin earned an amount of Rs. 3,00,000. This money she utilised for reconstructing her house and treating her ailing mother. In the discourse of sex trafficking, the dimension of earning has not been adequately addressed. These two narratives establish that despite being in exploitative situations of servitude some victims of trafficking also make an earning.

5.5.2. Consent and Non-consent:

The narratives and discourses in sex trafficking revolve around the concepts of consent and non-consent. A phenomenon can be essentially designated as sex trafficking if it is manifested without consent. Within this framework of consent and non-consent, the research argues that the discourse fails to take into account the dimension of restrictive consent. Raziya says- *“My Didi (brothel owner) showed love to my daughter, so I agreed to do the work but she would not allow keeping the child with me”* (Raziya, Assam, October 10, 2016). Her daughter was kept with the brothel owner which Raziya referred to as *Didi*. The brothel owner kept her child with herself

and even at night did not allow Raziya to be with the child. Raziya said if she did not breastfeed the child her breast would get swollen and become painful. However, until the pain became unbearable for her she was not allowed to feed. Raziya said- *“Even once she would not allow me to see my daughter* (Raziya, Assam, October 10, 2016).

The consent of Raziya was manipulated with the ‘politics of love’ and necessarily falls within the category of restrictive or limited consent. This context of consent which is limited and restricted is not considered within the discourse of sex trafficking.

5.5.3. Complexities in the Anti-trafficking Discourse:

The anti-trafficking policies sought for the rescue of trafficked victims who are caught in commercial sexual exploitation. ‘Rescue, Rehabilitate and Restoration’ are the main objectives of the anti-trafficking discourse. Among the three R’s, rescue and rehabilitation have been actively adopted by both the government and the non-government machinery of Assam and Meghalaya.

However, taking into consideration the narrative of trafficked victims the present research would seek to problematise the politics of rescue and rehabilitation. When Raziya was interviewed about her rescue from Silchar, she told-

My name was reported by one of the girls who eloped from the brothel and got caught. She reported to the police that I was from the district of Kamrup. I tried to conceal this fact because the moment they would know about this, they would send me back. But eventually, I was sent back because they caught me and like the other girls I could not manage to elope (Raziya, Assam, October 10, 2016).

The study found that 62 respondents talked about their dissent towards the rescue. Also, because of the non-availability of food, money, and clothes in the rescue homes another 08 respondents expressed their desire to go back to the brothels and work as sex workers.

5.5.4. Agency of Victims of Trafficking:

Drawing from Stringer's argument of subordination as key sites of agency, and the victim as bearers of knowledge, power, and agency the research argues that rescued victims of trafficking are not docile bodies devoid of agency and power (2014). The study claims that one of the critical agentive elements that the research found is the power, capacity, and ability to question the dominant masters- whether in the brothels or shelter houses. The dominant construction of the 'powerless category' is ascribed on to the bodies of trafficked girls or women. Interestingly this 'powerless category' of a trafficked victim questions at both the sites- in the brothels as well as in the shelter homes.

In this context, the study critiques the portrayal of women trafficked into commercial sex exploitation as persons who lack voice and decision-making ability. The respondents constantly and categorically shift between the concepts of objects and subjects. They are not just passive objects but also are active subjects. For instance, Raziya chose to deny her marriage and so as a sign of refusal she did not consummate with her husband. Further, she fled from her in-laws' house. She resisted and her resentment continued to show in her testimony. Raziya said- *"After my first customer, I did not work with anyone. Besides, she would always beat my daughter. When I would scream at her, she beat me more"* (Raziya, Assam, October 10, 2016). This evidently reveals the agency that was reflected in Raziya's resentment and resistance. She first resisted being in a forced marriage and second, she resisted being into forced prostitution.

Similar is with the testimony of Naushad's where despite threats she filed the case against her trafficker. Therefore, her experiences with Bibi (trafficker), and her demand to return home illustrates that she is not passive agents and a recipient of violence. Besides, the study reveals that in the post-rescue situation the residents' challenge and protest against the different kinds of injustice meted out to them. The research found that respondents can recognise their marginalisation and subordination. Their power to narrate their stories illustrates this.

The above stands in contrast to the construction of pre and post-rescue trafficked girls and women as passive recipients of abuse and oppression. It is seen that resistance to violence and exploitation has been articulated by emotions and increased dissent among the residents in the shelter home. In the following extract, the voice of discontent is expressed

Two, three days later one of the traffickers came to visit me. I told him to take me home. The recruiter who bought me was trying to convince me. They have asked me to stay a week. He told me he would call my father, and that I would be sent home. I was stubborn and indignant. I told him I would leave for my house and not wait for a week (Naushad Banoo, Assam, February 29, 2016).

This shows Naushad's demand to send her home. Her demand reflects a sense of power and agency and based on the testimonies this study argues that victims of sex trafficking are not powerless and devoid of agency.

5.5.5. Traffickers and Police: The Relation:

The relation between police and the business of sex trafficking is integral. Police are the combatants of this phenomenon. Nevertheless, this is countered in the testimonies of victims. The narratives reveal that corruption amongst police leads to the flourishing and booming of the

industry. Based on the data the researcher found that widespread police corruption is one phenomenon's intriguing concerns.

Sarijan Bibi visited our village during the investigation of my case. Her name was reported by my father. However, she was neither questioned nor arrested by police officials. The case caught huge public attention and this created pressure on Police to get Sarijan Bibi and her team back to the village.

On my return to Guwahati, I was held in a police station. I was then handed over to traffickers, who took me to their residence and had beaten and threatened me. They told me that if I do not withdraw my case I would not be able to meet my father. The collaboration of Sarijan Bibi and the police was strong. She managed to evade prosecution.

I was manipulated by one of the Assistant Superintendent of Police (ASI). He told me to give a statement that I was not abducted and I went willingly. I was asked to give a statement that my father had filed a wrong case against Sarijan Bibi. Police were bribed by Sarijan. She gave them Rs. 5000 to handle the case. The whole night I was again held in the police station of Sailakati. They did not allow me to go back home since they thought that my family would brainwash me (Naushad Banoo, Assam, February 28, 2016).

This case clearly reflects and throws light upon the corruption of state machineries. It problematises the reasons which lead to the flourishing business of sex trafficking. Naushad's story discloses the link between traffickers and police whose involvement, in this case, was not to redress but to facilitate the phenomenon.

To further the inquiry of police involvement in trafficking Lipika said-

Police raided our brothels, however, they held back from taking action. This is because malik [owner] bribed them. Further, free sex was given to

them. There was no restriction on the amount of time police could spend with a girl. Services to them were free (Lipika, Assam, August 24, 2015).

Another respondent confirmed that - *“Our brothel has been raided by police. But these raids were futile since they were bribed by our owners with money and free sex” (Ranju, Assam, August 18, 2016).*

5.5.6. Trafficked Victim transformed into a Sex Worker:

Raziya was disguised in the name of a new job and trafficked to Silchar and forced to work in the brothel. However, later she consented to become a sex worker. She said *“I agreed to do that work, because I got food and shelter. Didi (the owner of the brothel) treated me like my mother. So, I didn't have any trouble working there” (Raziya, Assam, October 10, 2016).* The discourse of ‘choice’ though reflects here a ‘limited choice’ with fewer alternative job opportunities yet the philosophy of feminism do not overlook the agency involved in ‘limited choice’. This follows from the following:

One day the police came and asked for me. When I went to her, she enquired whether I was from the district of Kamrup. I refused and said that I was from Silchar. I said even if you want to arrest me, I would not go. All my money is in the bank. I will go only when I want to go. What can you give me? The maximum you can help me with the bus fare, but can you help me with my expenses? If tomorrow you lose your job how will you run your expenses? Similar is the case with me (Raziya, Assam, October 10, 2016).

Further, Raziya was ‘rescued’ after ten years. Two questions that follow from this: a) Was Raziya the same individual in the tenth year of her stay in Silchar? b) Was she still a trafficked victim or a voluntary sex worker?

These two questions were not considered in the rescue of Raziya. The stakeholders based on her place of origin identified her as a case of trafficking and sent her to a shelter home. This case portrays a case of ‘forced rescue’ which henceforth is against the objective of the anti-trafficking policies- ‘to protect the rights and interests of the trafficked victims.’ However, the discourse on sex trafficking has not taken these intricacies and detailing of trafficked women.

5.5.7. Prototypical Picture of a Trafficked Victim

The authentic trafficked victim is one who is innocent and ignorant and one who lacks agency, choice and decision-making ability. However, the above case studies depict an alternated picture and contradict the ideal picture of a trafficked victim. The respondents have at various occasion had shown their agency and decision-making ability. For instance, it is evident in Raziya’s case,

A critical analysis of the above shows that in both “pre rescue and post-rescue accounts” of rescued victims of trafficking a voice of agency seems to evolve (Das, 2016, p.78). This is inferred from the dissent that victims demonstrate when in brothels and shelter homes. Further, this chapter brought forth an unconsidered dimension of rescue and rehabilitation, which is forced rescue and forced rehabilitation of ‘real trafficked victims’ and ‘assumed trafficked victims’.

5.6. CONCLUSIONS:

The present study found that victims of trafficking undergo extreme forms of violations. The violations are two-fold- First, it occurs in the hands of traffickers and recruiters of victims and second it happens at the hands of the anti-trafficking squad. Victims of trafficking are sold and resold as merchandise. The study reveals that in these situations their bodies and self are at the control of their traffickers. The study further finds that this lack of control does not end with the

rescue. In the post-rescue situation rescued trafficked victims are ideologically, psychologically and physically controlled by the rescuers.

Although the literature on sex trafficking highlights that victims of trafficking do not earn or earn negligible in the pre-rescue situation, however, the present study finds that a trafficked women pertinent to this study in one and a half years had earned more than 3,00,000 rupees. Further the respondent also stated that she had built her house which was previously in a dilapidated condition. However, this source of earning ends with rescue, which leads to an urge to go back to the situation from where they were forcefully or willfully rescued from.

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Personal Narratives

Feroza, Assam, October 4, 2015

Firdous, Assam, Decemeber 8, 2016

Florence, Assam, February 18, 2015

Isabelle, Meghalaya, December 4, 2016.

Jonaki, Assam, October 4, 2015.

Lipika, Assam, August 24, 2015

Madhu, Assam, October 12, 2015.

Muskaan, Assam, September 13, 2016

Naushad Banoo, Assam, February 29, 2016.

Ranju, Assam, 18 August, 2016.

Pokhi, Assam, August 24, 2015

Preety, Assam, Decemeber 7, 2016

Raziya, Assam, October 10, 2016

Rosy, Meghalaya, March 29, 2017

Shanti, Assam, January 12, 2017

Tuhin, Assam, February 18, 2015

CHAPTER-VI

“NOSTO CHANDRIKA” (DAMAGED GIRL)

6.1. INTRODUCTION:

This chapter seeks to analyse a diary written by Ms. Monumati Barman, who has been working with the anti-trafficking movement for nearly 10 years (Barman, Assam, March 1, 2016). She has also worked on women's rights and various other forms of violence against women. The diary being studied and addressed here illustrates her encounters with the victims who have been trafficked.

This diary consists of stories of gender-based violence against women in Assam. These stories are the experiences of Barman working in the field of violence against women. Along with stories of domestic violence, dowry, marital rape, custodial rape, and child marriage she has recorded stories of trafficked victims (Barman, 2015, p. 160, 168, 186). Since 2002 she had started writing these stories of violence. When the researcher first met her in 2012 she (author) discussed about her diary and asked her (researcher) to translate the stories into English, so that a wide array of readers could access the publication.

However, in the year 2015, this diary was published in the Assamese language. The researcher in the second phase of her study met her in 2016 and after a couple of meetings with her (author), she (author) mentioned about the publication of her diary. During an interview with the author, she said that the diary could be used for the researcher's work on sex trafficking. In one of the stories, the author has the mention of the researcher's voluntary involvement with her organisation (Barman, 2015, 117).

The interpretation and the meaning of this diary's title which is "*Nosto Chandrika*" or Damaged Girl could be derived from the stories of trafficked victims. She upheld that women who are forced into commercial sexual exploitation are damaged or '*Nosto Chandrika*'. She uses it as an emotion to express her feelings about women who are exposed to business of sexual exploitation. Her emotion is in accordance with the social moral code that is based on the loss of purity and chastity of those women who by force had transgressed the boundaries of being within the category of 'good woman'. Through the stories, this chapter illustrates how the author encapsulates the feeling of being damaged or '*Nosto Chandrika*'.

6.2. THE STORIES:

The stories of sex trafficking narrated in the book have been discussed from a feminist standpoint. The themes are reflective of the writer's standpoint on the phenomenon of sex trafficking. The researcher had undergone a feminist deconstruction of these stories and experiences of the writer. This attempt had enabled one to dwell with the intricacies of sex trafficking and to encapsulate a feminist understanding of the multidimensional spectrum of the phenomenon.

6.2.1. Illegally Crossed:

This story is a narration of two mothers from Myanmar. To meet their stranded daughters they took the risk of transgressing the borders of Myanmar and Bangladesh.

Barman records-

I (one of the mothers) along with my youngest son, daughter, my sister and her daughter came to India. We paid in cash to the Dalal (middlemen)

who helped us to cross the border and enter Kolkata through Benapur³⁸ (Bangladesh) (Barman, 2015, p. 120).

She writes that the family met a person by Alam's name, who initially offered support and assistance to them in Kolkata. Later, he (Alam) asked for the hand of her daughter in marriage and also stated that rejection of the proposal would cause them legal trouble in India. Finally, they had to accept the demand for marriage.

The story illustrates the problem of illegal mobility across borders. It captures the manifestation of vulnerabilities that illegal trespassers face. It also speaks about the politics of gendered patriarchal power over women.

Alam told us (one of the mothers) that he would be marrying Hasina at his brother's residence. He has asked Rohima to accompany them. I sent Rohima, in accordance with his will. After marrying Hasina, he promised to take me to see the Doctor (Barman, 2015, p. 120).

Hasina is the girl that Alam sought to forcefully marry. Rohima was the cousin sister of Hasina who accompanied her. As seen in the extract above the voice and role of women in decision-making are entirely ignored. In any of the decisions taken for their lives, neither Hasina nor Rohima's consent was taken into account. It is reflective of the gendered structure of society that renders and subjects women to systemic forms of patriarchal violence, inequality, and oppression.

Alam further said that it would take him at least twelve days to return, so the mother of the victims thought to make use of the time and paid a visit to Ajmer Shariff. Nevertheless, when they returned Kolkata they neither found Alam nor their daughters. Failing to find them (their daughters) they decided to return. They were aware that the *Dalal* (middleman) who helped them

³⁸ The respondent here meant the Benapole border

to cross the borders knew Alam. When they inquired about their daughters he told them that police had caught their daughters and Alam.

The next section is the incident of trafficking which was narrated to the mothers of Rohima and Hasina.

They (Rohima and Hasina) caught the attention of a family who were their (Alam, his family, and the girls) fellow passengers on the train. They introduced Hasina and Rohima as his sisters. To their (fellow passengers) astonishment they found Alam and his wife conversing in the Bengali language, while Hasina and Rohima spoke in a different language. They sensed a problem and distrusted the story of Alam. They secretly complained about it to the Police. The Police caught them when they reached Mumbai. The police inquired with Alam, his wife, and his friend and found that for seven or eight lakh rupees they planned to sell them (Hasina and Rohima) in a brothel in Mumbai. However, they were rescued by Mumbai Police and sent to Rescue Foundation in Mumbai and summoned the three to the Police Station (Barman, 2015 p. 121).

The following section of this story is about the mothers being stranded in the shelter home. When they (mothers) reached Guwahati (Assam) they were brought to her (author's) shelter home. Although the mothers were desperate to encounter their daughters, however owing to the protocol of reintegration, they were not allowed to interact with them. This process took them a month.

The author informed them that due to the complexity of repatriation the rescue homes could not process their daughter's repatriation and reintegration. In the presumption that Assam and Manipur are geographically nearer to Myanmar the Rescue Foundation of Mumbai had sent them to Assam.

While recounting Rohima and Hasina's story she expressed a sense of contentment and satisfaction that both of them were saved from being 'damaged' (*nosto*). The author within the framework of being 'damaged' has penned the accounts of violence against women. Her standpoint essentially reflects a stance of normative ideologies of being within the category of 'good woman'. The author enunciated that- "*I was relieved that the girls were saved from being 'damaged'. It was their destiny*" (Monumati, 2015, p. 122).

The above excerpt reiterates a vital dimension of sex trafficking. It brings to light that in the process of transportation and transfer of victims an imperceptible percentage of women and girls are rescued. This is reflected in her emphasised statement of 'good destiny'.

Speaking about the girls in the shelter home the writer tells them that although they were good and obedient girls, sometimes they turned aggressive to their relentless demand to return to their homes. She also stated that the girls got into depression sometimes. This informs that within the compass of post-rescue the mental health of the survivors of trafficking becomes vulnerable. The development in their repatriation was made by the Rescue Foundation in Mumbai who had connected with an organisation in Myanmar. It was a concerted effort on the part of both the organisation of the writer and Rescue Foundation. The first successful attempt was collecting the phone numbers of their respective families (Barman, 2015, 128)

Repatriation of victims across borders involves a complex set of official procedures. To proceed with their repatriation took considerable time. Since the process took a sizable time, the author recounts that – "*Yet again illegally the desperate, ignorant and uneducated parents crossed the international borders of Myanmar and Bangladesh*" (Barman, 2015, p. 122). The ramifications of repatriation are further revealed when the author admits that the girls and their mothers could not be repatriated for another nine months and eventually along with their daughters they were

aground in the shelter home in India. Thus, the author narrates memories of agony, despair, and helplessness of two mothers from Myanmar.

6.2.2. Exploitation of Trust:

Research in sex trafficking has revealed that one of the most common means to recruit, transfer, transport, and harbor victims is through the means of deception and false promises of marriage, love or work (Crawford, 2010). This ensuing segment is an articulation of a story of such exploitation of trust and deception.

The story features a 15 year old Resham who hailed from an impoverished family. To economically support her family she had been working since her childhood. Using the means of deception Mala a woman from Resham's village had lured her to work as domestic help in Guwahati. However, Mala aimed to recruit her into the business of commercial sex.

This shows the aspect of a 'known trafficker'. It puts forth that deception and luring of victims into forced sexual labour is often manifested through a 'known trafficker'. This is in context with many of the research findings on sex trafficking that suggest that it is always a known person who traffics the victim through false promises of work, love, and marriage (Huda 2006, Kara, 2010). This indicates how traffickers capitalise on the vulnerability, innocence, ignorance and the trust of a potential victim.

Mala suggested that Resham work in the prostitution industry. However, she (Resham) declined to consider the proposal. As a result, to break Resham into the profession Mala used the technique of intoxication. She taught Resham to inhale Dendrite or Erasax. The abuse of Dendrite and Erasax rendered Resham's body into a state of inactivity and semi-consciousness.

Resham recalled that one day while she was sleeping she felt the presence of someone. Because she was intoxicated she had no physical power to push the men away from her.

In distress she left for her village. Because of her weak economic situation she continued to search for other jobs. This time she got in contact with Aarti, whom she met in Guwahati. She phoned and told her story. With a condition Arati agreed to help Resham and that is, she would not let her parents to know about it. This was because Resham's parents wouldn't allow her to move out of the village again. Without informing her parents Resham came off to Arati's home, and from there a tale of 'dark life' began (Barman, 2015p. 12).

Moreover, secretly Arati kept Resham in her house. Her husband was unaware of Resham's presence. She had to hide from him (Arati's husband). One promise Arati made to Resham was that she would be her (Arati) daughter-in-law. To justify her vow she made her son propose his love for Resham. Barman (2015) argued that a "sixteen year old young girl" had no comprehension of the entire situation (p. 13). Arati demanded that Resham should work and save money for their marriage. This would help her son to buy a car and start a business. As Barman (2015) said, Arati had two cars and an automobile workshop. This indicates her economically sound background.

Arati told Resham that having good income would enable to have a prosperous conjugal life. With the hopes of getting married and having a happy family life Resham started to work as a sex worker. From each customer, Arati charged Rs. 4000 to 5000. Out of this amount Resham received a meager proportion of her earning. Resham worked with Arati for two years but the money she earned was not used to purchase a car. Her investment of two years could not manage to offer Resham the life of a 'married woman'. According to the author, this is the beginning of Resham's life's 'dark chapter' (Barman, 2015p. 13).

This story reveals that the means of trafficking is not always forced, coerced, deceived or lured but could also be materialised with the internalised conceptions of women and marriage. The circumstance of Resham directs one to analyse on the capitalisation and interconnectedness of marriage and women. The construction of marriage as an indispensable institution and part of a woman's life is ingrained as a crucial factor in this context. It shows how the internalised understanding of the category of women led Resham to consent to prostitution. The means of manipulation and deception were used to achieve Resham's consent for 'forced prostitution'. To be labeled as a married woman Resham gave her consent to engage as a sex worker which was led at the cost of her emotional and psychological abuse. This story also echoes the cost of payment of being within the category of married women. This also throws light on another perspective and that is the gendered practice of dowry, wherein in the absence of a family network it had to be borne by Resham herself.

On the suspicion of 'immoral activity' a raid was conducted by the Crime Investigation Department (CID). This disrupted Arati's clandestine functioning of her business. They saved Resham who had been hidden behind the almirah. Two customers and more than half a kilogram of used and unused condoms were also found.

Later Resham was rehabilitated in the writer's shelter home. The rescue home provided her medical care and her physical and psychological concerns were dealt in the rescue home. Further, Arati was sent to jail. The author mentioned to the investigating officers that Arati was caught thrice for the crime of trafficking, but every time she gets released from the prison (Baruah, 2015, p. 14).

This brings to light that the 'prosecution' of traffickers goes over the purview of the anti-trafficking movement. This argument acknowledges that though the factor of prosecution has

been considered in the national and international legal instruments yet in practice it is the most unaddressed aspect of sex trafficking.

6.2.3. Doubly Trafficked: Sold by Father and Husband:

This is a chronicle of a victim who was doubly trafficked. First, she was trafficked by her father and second, she was trafficked by her husband. In the first case, she was trafficked for domestic servitude and in the second case; she was trafficked into commercial sex.

Hamida was an eight year old girl who was sold by her father. For an amount of Rs. 5000 he vended her to a Naga family. She worked for three years, but unable to bear the enormous pressure she eloped from their house. This is a practice of hard trafficking which typically involves cases wherein girls or women are sold by those in the relation of blood.

She made her escape into the woods and hid for a while. She entered a hut and found three middle-aged men. She described to the author that they were of the age of her father and so she trusted them. Also, she told them that she was a Muslim like them and requested to help her out. They expressed their empathy and asked her to stay with them that night. They said that they would help her to go home the next morning (Barman, 2015, p.15).

The trust Hamida put on the three men was because she belonged to the same religion. Based on that she presumed that they would not harm her. However, after that point she could not remember the story. The next morning she found herself in a bed beside which an old woman was sitting. Hamida said that the old woman and three others found her unconscious in the jungle. She was trying to get up from the bed but she failed. Her lower back was injured and her pain was unbearable. It took her a month to heal. The old woman brought her medicine and took care of her. She never went back home and stayed with the woman (Barman, 2015p. 15).

With the old woman she went to work as a daily wage labourer. She recalled that one day a boy came up to her and told that he loved her. She told the woman about the boy's proposal but the old woman urged her to stay away from him. She also advised her not to interact much with him, as they were unsure of the boy's whereabouts. The boy came with fruits and other eatables to their home and regularly began visiting their house. One day he said that he had got a job at a factory in Mumbai. Before setting out to work he wanted to marry Hamida. The woman agreed for their marriage, after which he took her to Mumbai (Barman, 2015p.16).

They reached Mumbai, and somewhere near Meera Road he rented a house and stayed there for a week. One evening he had asked her out. After strolling through different *galis* (narrow lanes) they stopped in front of a house. Hamida had seen a lot of girls moving in and out of the house. They entered the house and she found the house had lots of small rooms. There was a fat woman inside the house to whom Rafiq (the boy who married Hamida) had been speaking. He said- "*Amma, this is the girl that I have been talking about, she's Hamida.*" Amma, said, "*You married a beautiful girl*" (Barman, 2015p. 16). Afterward, both Rafiq and Amma went to another room and spoke to each other in private. He came out after their talk and told her (Hamida) to wait, and said after some time he would come. Yet Rafiq never came back. Later she (Hamida) came to learn that she was sold for Rs. 2, 00,000 in the brothel. She suffered from physical as well as from psychological abuse. After a raid she was rescued and sent to the Rescue Foundation of Mumbai (Barman, 2015, p.16- 17).

Traffickers set traps for potential victims. This story reveals that abusing the emotion of 'love' traffickers seek to lay a net to beguile the victims. Also, traffickers seek to target women in distressed and unfortunate situations such as Hamida. They further, materialises on the social construction of marriage which is established as an inevitable aspect and part of a woman's life.

The institution of marriage and the aspect of having a man as the owner or guardian of a woman's life are found to be deeply engrained in the understanding of the perpetrators and victims.

This shows a case of double trafficking wherein she was trafficked by her father and also by her husband. She was trafficked both for domestic servitude and commercial sex. Her father sold and forced her into domestic servitude and her husband traded her for commercial sex. In this case, one could see how her body has been commoditised by the dominant patriarchal figures (the father and the husband). It also represents the ownership and authority over her life and body that the patriarchal figures retained. Within the gendered construction of sexual division of labour her father has used her body to yield profits from domestic servitude and her husband used her to satisfy the 'untrammelled sexual desires of men' and compelled her to toil in a brothel.

6.2.4. Deceitful Love:

Aivee was 12 years old whose mother had passed away and her father was old to support her. Her brother and sister-in-law did not show any sense of responsibility or affection for her. She was hesitant to ask her aging father about her daily expenses. In her neighbourhood, she treated a woman as her own aunt. She treated her (Aivee) like her daughter, and supported her (Aivee) financially.

When Aivee said that she had to seek permission from her family members, the woman commented that since her family doesn't love her (Aivee) there is no need to inform them. Here one could find the emotional vulnerability of Aivee is been strategically manipulated and abused. A possible victim that a trafficker target is often an individual who is economically and emotionally vulnerable.

Excited about her travel to Pune she did not inform her family. Her aunt took her to Pune and gave her shelter in a home. As she entered Aivee observed that the rooms were colourful. The girls in the home were seen wearing 'revealing' outfits. The woman (aunt) took her to a room and told her that they would stay there for that night (Barman, 2015, p. 28).

The next morning when she woke up the Aunt was seen to be nowhere. She realised that she (aunt) had left her (Aivee) in that room. Initially, she screamed and cried out loud. At that point she did not understand why her aunt abandoned her. Finally, she found out that her beloved aunt sold her for Rs. 2,00,000 (Barman, 2015, p. 28).

She told the author that in the house the brothel owner was referred to as Amma. She (Amma) was a Nepali woman. She often told Aivee that she had to return the two lakh rupees to her (Amma). Aivee asked her in return- "*How am I supposed to return your money?*" She (Amma) replied to Aivee that- "*You will know when the time comes*".

Aivee's case reveals a sheer instance of child trafficking which is rampant in the country. The story also reflects that victim's ignorance and the lack of knowledge makes them susceptible to the vicious cycle of debt bondage. Not only does it inflict physical and psychological damage but it also contributes to the individual's acute economic exploitation. In cases of trafficked victims, one could observe this trap of vicious economic cycle that victims become a part of.

After a week Amma sent a customer into Aivee's room. The next day she was taken to the hospital because her genitals had been ripped. Two weeks later when she returned to Amma's house she came to learn that Amma charged Rs. 50,000 for that night (Barman, p. 29, 2015).

Aivee ripped her genital for the second time. She got scared and approached Amma and requested to not engage her in 'those kinds of work'. A few months later she was recruited as a

bar dancer. She danced in several bars and whatever she earned she had to give it to Amma. During her performances in a dance bar, she met a boy named Sanjay. He was a worker in a rescue home in Mumbai. With the help of Sanjay, Aivee came out from her (Amma's) captivity (Barman, 2015p. 29).

Aivee was a Dimasa Kachari girl. In this context, we have observed that often 'tribal'³⁹ girls are targets of human trade. It seems that in the sex trade there is a high demand for 'tribal' girls. The author cites that the reason for this demand is their lustrous hair and glowing skin. However, the critical intervention of the researcher circumscribes around the racial categorisation of indigenous girls and women. Here it is necessary to analyse that the demand for 'exotic but cheap' sexual merchandise contributes to a higher supply of Mongolian girls and women. During the fieldwork it was found that the traffickers brought Mongolian girls and supplied them to brothel owners who sold them as merchandise from Thailand, Malaysia and other Southeast Asian countries (Barman, 2015p. 29-30). The customers sought and demanded such 'merchandise' and paid higher prices for women with Mongolian features.

As per Aivee's wish, the rescued home got her admitted into a Computer and an English speaking course. Meanwhile, the rescue home tried to contact her brother who was hesitant to take back his sister. Left with no choice they had to approach her sister and brother-in-law. After a great deal of persuasion, they agreed to take back Aivee (Barman, 2015p. 30). This shows that women are subjugated and marginalised by social and sexual taboos which create complexities in reintegrating trafficked victims back into society. This case highlights the social ostracisation of women who have forcefully or willfully transgressed the boundaries of social moral order.

³⁹ The term 'tribal' is used by the author.

6.2.5. Sold for 5000 rupees:

The author tells a story about three underage Bodo girls who were successfully rescued at the Bongaigaon station. They have been disguised in the name of a job at a Delhi textile factory. This rescue was carried out by her organisation. The girls were accompanied by a Bodo couple. On inquiry, they came to know that the couple was planning to sell the girls for an amount of Rs. 5000 (Barman, 2015, p. 30).

The case brings into light the factor of the socio-economic condition of Bodo girls who were sold for a meager amount of Rs. 5000. It also speaks of the supply and demand for cheap labour from the North-Eastern region of India. It reflects that the lack of livelihoods and economic prospects has created a fertile ground for traffickers. In the name of jobs, economic independence and assurance of security they lure potential victims.

It is seen that many a time; the trafficker is one who belongs to the community or the neighbourhood. He/She (trafficker) is trusted by the families of the victims. In this case, the couple who lured those three Bodo girls belongs to the same community. The traffickers were insider to the community. To manipulate and lure victims this is a frequently used tactic. The technique of being an insider and trafficking potential victims is a process that is easier and often found to be adopted by traffickers.

Another trafficking case narrated by the writer was the story of Anu Basumatari who was lured and trafficked by Rahul Basumatari. He trapped her with false emotions of love. Although Anu's family was aware of their relationship yet they did not approve of it. However, she took authority of her life and surpassing her family's disapproval she eloped with him. They went to Guwahati and after halting there (Guwahati) for a few days they left for Mumbai. In Mumbai, he introduced her to several friends and acquaintances. While in Mumbai Anu became aware of

multiple relationships that Rahul had with other Bodo girls. She also came to learn that Rahul brought all of those girls to Mumbai.

Later, when Anu discovered the reality that Rahul trafficked girls for commercial sexual exploitation, he began to coerce her into sleeping with other men. Rahul assaulted her violently with slaps, punches, kicks and a leather belt and coerced her into the profession of sex work. He said, *“I would desert you if you do not do follow as I say”* (Barman, 2015, p. 27).

The fear of being left by her husband led her to succumb to his demand to work in the sex industry. Moreover, she was also new to the place and had nobody to seek help from. The intensity of the fear of being deserted or experiencing everyday physical abuse made her surrender to his whims. She had no other alternative but to forcefully work as a sex worker. However, as Rahul went again to marry another Bodo girl from Kokrajhar, Anu could no longer bear his dishonesty. Until then Anu was tolerating Rahul’s physical and emotional abuse as he was her husband. Nonetheless, when Rahul went to Kokrajhar to marry another woman, she could not take it anymore and eventually eloped from his flat.

She returned to Kokrajhar and lodged a complaint against him. Consequently, Rahul was convicted and imprisoned for twenty years. But, Anu was abandoned by her family. She had no other option but to take refuge in a shelter home in an organisation based in Kokrajhar (Barman, 2015, p. 27).

The incident indicates how as a ‘wife’ a woman is conditioned to tolerate the abuses and violence. The violence within the conjugal relationship is conditioned to be normal and an accepted behaviour within the social norms of patriarchal society. In the name of love and protection which is granted through the institution becomes so vital and plays a crucial role in the

social conditioning of the society. This becomes internalised by the genders in society. This shows how power relations exist and manifest within the matrix of society.

6.2.6. A Chain of Exchanges: Bride Price or Trafficking:

Angelina, a Christian girl was found by the police and brought to the shelter home of the author. She suffered from anxiety and depression for which she had to undergo treatment. She expressed her desire to see her child whom she left at the age of three. She informed that she was exchanged for 12 gayals (*mithun*) to a person in the nearby village when she was 12 years old. After two years the man again exchanged her for nine gayals (*mithun*) and gave her away to another man. She was exchanged for another time after a few years for 10 gayals (*mithun*). She gave birth to her daughter with this man. Angelina was once again exchanged for gayals (*mithun*).

The fact that she was exchanged so many times made her mentally disturbed and unstable. She was then eventually deserted in Guwahati (Barman, 2015, p. 38). This story reflects the tradition of bride price which is prevalent in Arunachal Pradesh. In Arunachal Pradesh gayals (*mithun*) are given as a bride price.

Bride price is a tradition that is practiced to compensate for the labour performed by a girl. However, in the context of this particular incident one can argue that this is not a simple example of bride price rather it gives a perspective of sex trafficking. This is because the exchange was made between multiple men. It also reflects Angelina's situation of being bonded which might have made her voiceless.

This gives another standpoint to interpretation of the international understanding of human trafficking which conceptualises trafficking within the parameters of transportation, transfer,

harbouring and receipt of person. However, in this particular context although Angelina was not transported or transferred, yet her typical exchange with gayals (*mithun*) made her an object of exchange between owners which then resulted in multiple practices of servitude and exploitation such as domestic servitude and sexual slavery (Barman, 2015, p. 38).

This context also throws light on conceptual framework of human trafficking which requires reconsideration in the context of North East. This case did not involve inter-state or cross-border trafficking, however the exchange in kind and movement of Angelina within her community, requires a restructuring of the understanding of the phenomenon of human and sex trafficking. As discussed in Chapter IV this study argues of contextual differences in the manifestation of sex trafficking in the North East.

6.2.7. Purification of a *Damaged* Woman:

Rima Terong, a 25 years old young married woman approached the author with tearful eyes. She told that she was outcasted by her society because she was back from the coerced commercial sex trade in Mumbai. However, she would be accepted and considered to be pure if she offered rice beer made out of five kilograms of rice and two pigs. To get justice, accompanied by her husband she approached the author's organisation. She stayed in the shelter home for treatment in Mahendra Mohan Chaudhury Hospital (MMC).

Rima narrated her story to the author. She was an orphan who was raised by her grandparents. She got married to a man of a nearby village who fell sick after a few years of their marriage. He also became unable to work as a daily wage labourer. This placed her and the family into a deep financial crisis and as nobody came forward to help them it became difficult for her to meet the ends. In a bicycle she rode her ailing husband to the hospital which made the villagers awestruck

(Barman, 2015, p. 32-33). Although her significant other recuperated, he was not anymore physically fit to get a job and make earnings for the family.

This compelled her to work in a company. At that point in time, Purnima who was one of her acquaintances offered her a job in Mumbai. Purnima assured that the job will pay her a high amount which will make it easier for her to bear the economic expenses (Barman, 2015, p.30).

Accompanied by Purnima, Rima and one young widow left for Mumbai. They took off from the Guwahati railway station (Barman, 2015, p.33). When they reached Mumbai Purnima handed them over to a Malayali man in Turbhe (Mumbai) and never returned. The condition and situation of these two women became pathetic and miserable as they were forced to give ‘company’ to other men.

However, when they retaliated and attacked their boss with a broken beer bottle, the abuses were stopped for a sometime. After a few days, their owner (*malik*) over the phone called two Assamese boys. He told them that they must come and visit him as he has got ‘eatables’ from Assam (Barman, 2015, p. 30).

Here this is crucial to mention that by the term ‘eatables’ the owner symbolically referred to these two women from Assam. When the three Assamese boys arrived both (Rima and the other woman) of them became very happy. They were relieved to see them as they expected that man from their home state would help them to escape and free them from the ‘hell’ (*Norok*) (Barman, 2015, p. 33).

But to their misery, those Assamese boys took them to various hotels where they were sexually exploited. However, when their money got exhausted they had to take a house for rent. They

introduced Rima and the other women as their wives. Both of the women were subjected to physical and mental abuse.

As mentioned above the symbolic reference of Rima and the other women as ‘eatables’ directs one to critically place the word within the understanding of commodification of women’s bodies. It also establishes the feminist theorisation of women’s bodies as commodities of use and consumption. Within the hierarchy of power and gender the vocabulary reveals the secondary category of women. The power relationships that exist could also be contextualised to the instance when Rima carried her husband in the bicycle which made the villagers flabbergasted. This is because Rima carrying her husband in a bicycle challenges the culture of masculinity.

Rima told the author that when she conceived, one of them went to a Doctor and brought her oral pills for abortion. She became severely ill and bedridden after the consumption of the pill. Moreover, they were not given sufficient food which made their condition miserable.

One day when one of the boys forgot to lock the house, they took advantage of the situation and managed to escape. Rima took refuge in the neighbourhood and later she lodged a complaint in the police station. Accordingly, with the coordination of Assam Police, she was brought back to Assam.

It is important to mention here that there was continuous contact between Purnima and those three boys. The author could conclude that they paid Purnima well. Although a case was registered in the police station of Rima’s village it was to no avail (Barman, 2015, p. 34).

As she was keeping unwell she approached the author. Her genital kept bleeding and she had immense pain in her lower back. This unfolds that the repercussion of the incident was massive on the body and self of Rima.

The effect of the incident was not merely physical but also led her to suffer long lasting social ostracisation which began from her home. Her husband used to pass satirical and mocking (*'biyango'*) remarks to her. Moreover, her younger son who was just six years old commented at her that- *"You went to Delhi with a Dalal! How can you try to discipline me when you are such a 'bad woman'"* (Barman, 2015, p.35).

To her misery, the remarks of the villagers were like a sword to her soul that tore her apart. As if this was not all, Purnima threatened Rima for her life as she registered a case against her (Purnima). She also threatened to abduct Rima's 12 years old daughter. The verbal and emotional abuse of Rima by her husband and a six years old son reflects the socialisation of the category of women which is placed within the binary of good and bad. It is vital to ponder upon a six years' old understanding of this constructed binary of 'good and bad'. This shows the gendered socialisation of societies in Assam. Within the gender pyramid men are held supreme and women and other genders are considered inferior. Another significant thread of this case is the mechanism of fear generated among victims in cases of retaliation and seeking legal assistance. For instance, the threatening of the abduction of Rima's daughter reflects how traffickers use the emotional vulnerability of victims and survivors.

Rima in distress expressed to the author that she had no desire to stay alive. She told the author about her sleepless nights and insomnia. She wondered if justice would ever prevail. Rima looked at the author with hope and expectations as if she could solve the problems of her life (Barman, 2015, p.34).

Rima was expecting her acceptance by the community with the purification method of offering rice beer and pigs. However, while reflecting on the paradigm of community justice the author wondered whether her perpetrators would be purified in the same manner? (Barman, 2015, p.35).

This makes one question the phenomenon of this purification method and also its exclusivity to a woman. It also raises a question that why a woman is subjected to ‘character test’ when the onus of her situation is on the perpetrators. This method of purification upheld the historic marginalisation, subjugation, and domination of women.

The author gave her shelter in the rescue home for a few days and was later taken to the hospital for medical treatment as well as for psychological consultation. Again when Rima went to the rescue home after a few days the author expected that she recovered from vaginal bleeding (Barman, 2015, p. 58). However, the problem had aggravated. Barman (2015) then took her to the Mahendra Mohan Chaudhury Hospital and consulted a female doctor. The doctor prescribed that her womb needed cleaning. This shows the severity of sexual violence inflicted on Rima’s body which had such severe consequences.

Rima informed the author about their despair. She said that due to illness both she and her husband were unable to work. She requested the author if any arrangements could be done for her children (Barman, 2015, p.54). The author told that it would be possible provided she completely left her children. The children would be produced in the Child Welfare Centre and be sent to the children’s home.

The children will get to eat good food and would have six pairs of clothes. They would be sent to schools as well. The decision lies on Rima whether she would stay separated from her children. The author was in awe when she replied positively (Barman, 2015, 54).

After a moment of silence, she said that-

Baideo [Elder Sister] they often threatened me to abduct my daughter if I reported against them. At times I want to cry alone and sometimes I feel like laughing out loud. Then I go to the backyard and laugh out loud or

cry my heart out and it feels a little better. My husband does not want to understand me. He verbally abuses me by calling the names of those three boys from Mumbai (Barman, 2015, p. 54).

She stated also about the nightmares which used to make her insane. She further stated that she would be at peace only if they get caught. She narrated her experiences of getting indications of using her body as a means to satisfy the sexual desires of both younger and older men and boys of her village⁴⁰ (Barman, 2015, p. 54).

This shows how society categorises women and labels them. It also reveals that victims of sexual abuse are often subjected to further victimisation by society at large. This is manifested through the constructed understanding that sexually abused women lose their respectability and henceforth could be considered as ‘available women’ who could be easily targeted.

One day she came to the author’s room early in the morning trembling in fear and told the author that Purnima had come to her home along with a boy. Monumati Barman immediately informed the Criminal Investigation Department and the other concerned authorities. In the meantime, Ramendra Narziary (one of three boys from Mumbai) made a phone call to Rima and told her that Purnima was caught by Sonapur Police Station. He also requested and pleaded her to save them and asked for her forgiveness. The author advised her to keep in touch with them so that they could be caught.

Thereafter, Officer-in-Charge of Sonapur Police Station wanted to take Rima’s statement. He told the author that the Criminal Investigation Department (CID) had seized the mobile phones of Purnima and the boy who accompanied her. Rima was also told that the contact between the

⁴⁰ “Baideo, gaonor majere jaote-aahute mutkoi boiokhot hour, ketiaba mutkoi dangor deka lora kisumane eingit de koi, jiman toka laage dim, matro raati aahibi” (Barman, n.d. p.55).

three boys from Mumbai and Purnima had been stopped (Barman, 2015, p. 56). (Barman, 2015, p.55).

After seeing Purnima at the CID office the author describes her to be a fat and dark complexioned woman with a gold nose ring. She came to know that Purnima got married to a man from Karbi Anglong. However, her economic condition deteriorated after her husband's death. He was survived by Purnima and their four daughters. Purnima had to work as a daily wage labourer due to a lack of money and food.

However, her earnings could not meet the needs of her family. During their extreme financial crisis, she came across a man from Bihar. He promised her a job in a textile factory located in Mumbai. In the expectation of a better job, Purnima left for Mumbai. But, the man sold her to a house in Turbhe (Mumbai) in which women's bodies are being bought and sold (Barman, 2015, p. 56). She was bound to stay there.

However, as she aged, the number of customers declined, which subsequently had an impact on her income and economy. Her *malik* (owner) said that with only a few customers he cannot afford to keep her. Therefore, he offered her incentives and more money if she could bring younger girls into the brothel. Consequently, she lured Rima and the young widow and sold them to him in Mumbai.

Nevertheless, when she came for the second time to lure other young women and girls she got caught and was summoned to the jail. Meanwhile, her family always thought that all these years she was working in a textile factory. The author makes a very significant argument here about the transition of Purnima from a victim to a trafficker.

Purnima's entire life cycle reflects the various factors that converted her from a trafficked victim to a sex worker and then a trafficker. The beginning of Purnima's life is important to consider as it reflects her poor economic conditions which further gets worsened with the death of her husband. These conditions made Purnima a potential victim of trafficking. Moreover, she had added responsibility of four daughters. Therefore, it was easier for the trafficker to lure her to have a job and access to better economic possibilities so that she would not have any financial difficulties and impediments. Though forced, later she accepted the profession and throughout her young age served as a sex worker. However, with age, bodies of sex workers have less economic values which led Purnima to lose her customers. This again placed her into an economic crisis which could be reversed only by supplying potential victims like her into the business of forced sex work. Thus, one can contextualise and understand the vicious cycle of socio-economic conditions that play a crucial role in converting a person from a trafficked victim to a sex worker and eventually to a trafficker (Barman, 2015, p. 54, 55, 56 & 59).

6.2.8. Lack of trust:

Rohima, was sold by her husband for an amount of Rs. 2,00,000. She initially resisted and declined to do sex work, for which she was beaten and held without food and water in a cage. The scars that she bore on her body were shown to the author. The author argued that trafficked victims fail to trust anyone because they were sold by someone whom they thought to be their own.

During raids and rescue victims in brothels were hidden in small rooms which were either behind the walls or above the rooftop. These secret rooms often failed to be discovered by police. Young girls and women were hidden in these secret rooms. Unable to find young girls in the brothel the

author stated that often older women were caught and taken by the raids and rescue teams of police.

Nonetheless, according to Rohima the brothel housed many girls who disagreed to work there. These girls were subjected to innumerable forms of violence which then compelled them to work in the sex work industry.

Rohima said-

Baideo (elder sister) when some girls disagree to do sex work they are physically assaulted. The violence is sometimes to the extent of being fatal. The dead bodies are seen to be carried in the garbage truck and disposed into the sea (Barman, 2015, p. 46).

The broader framework of violence involves physical, psychological, emotional, and economic violence. Women as a ‘secondary and subjugated’ category have been made victims of the multifarious forms of gendered violence. In this context sex trafficking as a phenomenon has caught immense national and international attention since it involves immeasurable forms of human rights violation. Rohima’s case reflects that the bodies of trafficked victims are vulnerable to fathomless forms of physical and psychological violence. It also throws back the argument that the fatal violence upon victims is used as a break-in technique for other victims who in the fear of death agrees to work as a sex worker. Fatal violence in a brothel is a technique to psychologically compel the spectators to give in to the work of prostitution.

6.2.9. Bodies Traded for Commercial Sexual Exploitation:

Sambari, an extremely poor, 13 years old girl belonged to a village in Silapathar, Dhemaji. A family originally from Bihar but settled in Arunachal Pradesh employed Sambari as their

domestic help. Every month the family promised that her salary would be given to her parents. For a few initial months, they did give the salary, after which they stopped (Barman, 2015, p.44).

Later the author found that Sambari was brought to the Lesubari area in Guwahati wherein she was forced into prostitution. Her body was used for the commercial sex trade and this exploitation lasted for nearly a year or so. In the meantime, Sambari also lost contact with her family (Barman, 2015, p.44).

Often the family to evade police attention was found to change their locations. They changed to nine mile wherein they did a good business using Sambari's body. Again after a year, they changed their location. This was mostly done in the fear of being caught by the police. Therefore, in regular intervals traffickers changed their places of shelter (Barman, 2015p.44-45).

However, Sambari escaped from their clutches and registered a case against them. To unravel her complete story the police station sent her to a rescue home. On the first day, the author did not ask her anything. The next morning she fearlessly narrated her story. Eventually, the Police caught the traffickers and summoned them to the jail. The authorities of the rescue home informed her parents and handed her over to them (Barman, 2015p. 44 - 45).

If on one hand legal mechanisms of trafficking are strong to deal with the phenomenon yet, on the other hand, the traffickers have devised with new ways to trap victims into trafficking. In this particular case since Sambari was below 18 years old her consent to work as domestic help was considered irrelevant. Therefore, within the definition of the Palermo Protocol, this was a case of sex trafficking (United Nation, 2000).

6.2.10. Desires of Economic Empowerment:

18 girls from Assam were in the process of being trafficked by a couple. They were deceived with false promises of jobs. Nonetheless, their plan to traffic them was interrupted by the Guwahati Railway Police Frontier [GRPF] and the author's organisation (Barman, 2015, p. 43).

The girls were rescued and the couple was sent to the jail. The girls were handed over to their parents. On further probe into the case, the author came to know that without informing the parents' many girls went with the couple (Barman, 2015, p. 43).

A mother of a 14 years old girl when asked the reason for allowing her daughter to work outside was- *"Sending my daughter for work would enable me to feed and educate my other children who were younger to her"* (Barman, 2015, p. 44).

The above case has various factors at its spectrum. The debate circumscribing the factors of trafficking often seems to outline that the decision and choice to work often lead girls and women to fall prey to trafficking. This argument when countered and analysed reflects that the desire for economic employment although subject women to multiple vulnerabilities, nonetheless this research argues that economic employment is the superstructure upon which lays vulnerability of potential victims.

6.2.11. A Story of Rescue:

To sustain her family, 14 years old Karabi worked as domestic help. She was employed by a family who stayed in a rented house. However, one day she went missing. Her family filed a First Information Report (FIR) in the nearby police station.

Three months passed by there was no news of her. Through her colleague, the author received Karabi's case. Her uncle with all the necessary documents of identification went to the writer's

organisation. Because he got a call from her, he came to know that she was in Gujarat and gave the information to the author (Barman, 2015, p. 39).

The author took him to the CID office. She apprised and informed about the case to the Additional Superintendent of Police. Prompt action was taken and the information was passed to the Crime Branch of Surat (Gujarat) (Barman, 2015, p. 39).

Karabi told her uncle that the family where she worked sold her to another family in Gujarat. She was sold at Rs. 2,00,000. The family who bought her in Gujarat would again sell her to another family.

The police instructed her uncle to tell her that till Karabi was rescued she should listen to their demands and pretend that everything was normal. Nevertheless, she made an escape and ran a few miles and entered a house where she sought help.

The house where she entered heard her story and gave her shelter that night. They also gave her their phone to call her uncle. Through the help of the CID, she was located and rescued (Barman, 2015, p. 40).

6.2.12. Saved from Being Damaged⁴¹:

An 18 year old girl was rescued and sent to the author's shelter home. The girl held her head down and tears rolled down her eyes. After a while, she began to narrate her story and in the midst of her narration kept on wiping her tears.

She said that her father abandoned her mother and eloped with another woman. Although her mother was a part-time worker, her earning was not enough to sustain their family. Since her

⁴¹ “ *Nosto huwar pora rokhya porile* ” (Barman, n.d.p.62).

mother was not able to sustain the family, she was sent to work as domestic help in Guwahati. During her time in Guwahati, she befriended a woman.

After her employers in Guwahati left for another city she returned to her village. As she was again looking for work she connected with the woman whom she was friends in Guwahati. As the woman promised work in Guwahati she left her home again.

When she reached the woman's residence she saw many girls in her house. Around 7.00. p.m. a boy came to the woman's house. She introduced the girl with him and said that he would help her with a job in Guwahati. She asked her to go inside and talked to him about her job.

She took the boy to her room and when they entered the woman latched the door from outside. To this, the girl got startled and scared. The boy then came nearer to her and told her that he will arrange a job for her.

In the meantime, a team from the CID raided the house. The author expressed a sense of relief that the girl was 'saved' from being 'damaged'. The boy and the woman were arrested by the CID (Barman, 2015, p.62).

The author's context of being saved reflects her internalised notions of chastity and purity of a woman's body. It also reflects the author's standpoint that a woman when sexually abused is damaged and loses respect. A feminist engagement to the context of being 'damaged' brings forth the internalised framework of gendered patriarchal notions of the category of women.

6.2.13. Trafficking of Bodo Girls:

A journalist informed the author about a 13 year old Bodo girl. He told her that she was sitting in front of an unknown house in Khanapara (Assam). She immediately rushed to the place and received the girl. For a while, she (author) sat beside her and slowly tried to touch her head. In

this way, she tried to give her comfort and assurance that she was safe with her. Barman (2015) asked her to come along with her.

Initially, she was reluctant to trust her. Later she willingly went with her. Barman (2015) took her to a tea stall and ordered two cups of tea and began to talk with her. She tried to explain to the girl that she (Barman) had to take her to the police station. So to help her Barman had to know her story. Reluctantly drinking the cup of tea the girl began to narrate her story (Barman, 2015, p.75).

She said that-

Two women often used to visit the house in my neighborhood and since I got introduced with them, they came to my house as well. Everyone in my family had grown close to them and we all trusted the two women. One of the women offered me a trip to Guwahati. In the desire to visit Guwahati I agreed to go with them. Nevertheless, I did not inform my parents (Barman, 2015, p.75 and 76).

After visiting the state zoo in Guwahati I insisted to go back home. They said that there was no mode of communication available to go back in the evening. For that night I had to halt in Guwahati (Barman, 2015, p. 76).

They took the girl to their house. She saw different men entering and leaving the house. They asked her to sit and make her comfortable and then they went inside the house. She said the author that she was given a cup of tea after which she could not recall and remember anything. The next day when she woke up she met two girls who told her that immoral activities of flesh trade took place in the house⁴². They said- *“In the nighttime, customers visit the house. They told her they had not been allowed to move out of the house”* (Barman, 2015, p.76). The girl was

⁴² “Onoitik dehar bepar banijyo sole”(Barman, n.d. p.76).

captivated for three months in that home and she was compelled to sexually serve different customers. After three months of confinement one day, she managed to elope (Barman, 2015, p. 76).

6.2.14. Bride trafficking: Assam to Haryana:

Neelam's father approached the organisation and the shelter home of the author. He complained about a woman who in the semblance of giving a job in Haryana took his daughter. He stated that the woman was married to a man in Haryana.

He also said that he stopped his daughter to go with the woman. Nevertheless, unable to bear with the pains of poverty she secretly left for Haryana. After she left there was no news of her until one day when he received a call from her (Barman, 2015, p.63).

Neelam told her father that she was sold to a family in Haryana. The eldest son of the family married her. She expressed to him that she was in immense pain. She had to work in the paddy field, feed the cattle, and cook roti and dinner for the entire family. She also said that there was no difference between her and the cattle (Barman, 2015, p.63).

Another story of bride trafficking is about a girl who was lured by her neighbour and sold in Haryana. She was married to the youngest son of the family who bought her. Like Neelam, she too had to work in the paddy fields, as well as do all the domestic chores in the home.

She once sneakingly made a call to her family. She recited her story of pain. Hearing which her family asked her to return home. However, since she was married and she believed that after marriage there is no way out so she refused to return. She said "*I would be questioned by my neighbours and the society*" (Barman, 2015, p.63).

This belief of marriage is inherently the result of gendered socialisation wherein a woman is systematically taught the ideals and values within a patriarchal marriage. The society imparts the gendered education and ideals within the confines of marriage. It inherently teaches that after marriage a woman has no space to claim in one's parental home. The case of the woman in this context and her refusal to return and continue to suffer the oppression and violence was purely based on this gendered understanding of marriage and society.

In another story, the author gives an account of Rohima a 17 year old girl who was rescued by Noonmati Police Station and rehabilitated by the writer's organisation. She was trafficked to Haryana. Rohima's case of trafficking was registered by her father and sister. They informed that Rohima went for work and never returned (Barman, 2015, p.98). Development in the case happened when she called her (Rohima) elder sister and told her that she was married to a 30 year old man in Haryana (Barman, 2015, p.98).

The mobile number from which Rohima called was given to the police. The number was traced and the location was found. In a coordinated effort with the Haryana police, they managed to rescue and rehabilitate her (Barman, 2015, p.99).

As she was brought to the shelter home the author asked her to take a shower and rest. The next day Barman (2015) called Rohima to her room. Assuming that Rohima would not open up to Barman (2015) she initiated the conversation and asked her story. Rohima stooped her head down and told her that as she went for work she often encountered a boy who confessed his love to her. Believing on him and his confession of love she went with him to a restaurant in Hatigaon (Guwahati). She had food there (restaurant) after which she felt ill, dizzy and finally went unconscious (Barman, 2015, p.99).

The next day when Rohima woke up she found herself in Haryana. On being asked about the place he yet again lied to her. He told her that she was in his elder sister's residence. A couple of days after many men came to see her and after several negotiations, she was sold at Rs. 55,000.

The man who bought Rohima married her. Similarly, like Neelam and the other woman she worked all day both in the paddy field and at home. She too mentioned that there was no time to rest. Gradually she said that she began to feel weak. Unable to bear the torture she sneaked her husband's mobile phone and called her family. (Barman, 2015, p. 99).

Her story had frightened the writer and she was scared and unable to speak to Rohima any longer. The writer reflected on her painful feelings and emotions. However, she saw no tears in Rohima's eyes. Thereafter, she asked Rohima to leave and called Misimi to keep an eye on her.

These three stories of bride trafficking are a corollary of female feticide and infanticide which has resulted in the sharp decline in the sex ratio of the state. As per the 2011 census, Haryana has one of the lowest sex ratios in the country- per 1000 males there are 879 females (Census 2011). This decline in the sex ratio is an anarchic way to manifests brutal patriarchy.

The above has subsequently resulted in an increase of bride trafficking in the state. Brides who are in vulnerable situations of poverty and distress often become the victims of bride trafficking in Haryana. The brides are in chronic situations of bonded and sexual servitude. Their bodies are used for both physical and sexual labour. They are reduced merely as the carriers of heirs of the families who bought them (Barman, 2015, p.63).

6.2.15. A Story of Agency:

One day the shelter home in which the author served had run out of Liquid Petroleum Gas [LPG]. To prepare lunch Kankan along with the other residents collected firewood. For the

‘inmates’ and the author, Kankan began to cook food in the earthen furnace. The author continued to observe Kankan as she was preparing lunch for that day. The author stated that she was a fair and tall girl who seemed to be like a poem to her.

To refer to the ‘beauty’ of Kankan the context of ‘a poem’ was metaphorically used by the author. The stress on her ‘beauty’ by the author is in conjunction with the constructed and structured patriarchal idea of ‘beauty’. This idea has led to the framing of women as ‘desirable and beautiful’ vis-a-vis ‘undesirable and ugly’. The idea of beauty as a patriarchal construct has been contested by the various school of feminist thought and particularly by the radical feminist school of thought. Although postmodern feminism has reclaimed the idea of beauty and assertion of femininity, as women’s choice of expression and identity. Nevertheless, the author has used the context within the patriarchal framework of beauty.

Kankan belonged to a flood prone *Mishing* village in Assam. Every year the village is affected by seasonal floods. As has been discussed in Chapter-II the conjunct between floods and sex trafficking discloses that floods lay a prolific ground for sex trafficking to harbor (Bhattacharya, 2016 & Zahan, 2019). “Assam State Commission for the Protection of Child Rights” has requested the district administration and local people to closely monitor human trafficking in flood relief camps and other areas affected by floods (Bhattacharya, 2016, para. 15).

Although Kankan belonged to a poor family, she still completed her studies and became a graduate. Kankan told the author that she readily trust everyone. Barman (2015) to this posed an intrigue that could everyone be trusted. The man with whom she fell in love exploited her and broke her trust. She said- “*It began with a wrong number (phone call). We started to talk. I was really persuaded by him. I also got attracted to his flirtatious talk*” (Barman, 2015, p.95 & 96).

Kankan also said –

My family came to know about my relationship. Everyone objected to it. A few days later my family thought of fixing my marriage with another boy. They were not content with my decision of marriage outside the community. They thought that inter-community marriage is unfortunate and brings disrespect to the family and community (Barman, 2015, p.97).

In this context, Ambedkar's argument on caste structure and the practice of endogamy over exogamy is seen to be pertinent. It reflects that endogamous marriages are present within indigenous communities. Like endogamy is enforced to avoid miscegenation and maintain pure bloodlines within the caste hierarchy, similarly, in indigenous societies endogamous marriages are endorsed to maintain the purity in bloodlines and avoid miscegenation within the clans.

She was silent after speaking about her family's stand on marriages within the community. A long silence prevailed. Later the author asked her- "*Did you elope with your boyfriend*". To this, *she stooped her head down and narrated her story*" (Barman, 2015, p.97).

The body language of Kankan echoes her sense of internalisations about women. It reveals her sense of 'shame' of taking a 'morally' and 'socially wrong step' to elope with a man. 'Shame' as a psychological means and tools to construct and maintain patriarchal order and control is often used to regulate the ordered subjects of the society. This sense is reiterated in the author's conscious attempt to record the body language of Kankan.

Kankan said-

He (the boy with whom Kankan fell in love) told me that he had friends in powerful positions. He said that with their help he could arrange a job for me. I told my family accordingly. I told them that I would go with him. I asked them not to worry about me. When I have a job then I would wipe

away all their misery. I promised them that I would send money (Barman, 2015, p.97).

I asked my family not to get me wrong. I have not allowed emotions to weaken me. I had kept myself mentally strong. I left to catch the boat. He told me that he would wait for me in Dibrugarh. Upon reaching Bogibeel's shore in Dibrugarh I called him and said I was wearing a pink salwar suit and he told me he was wearing a white shirt. We identified each other at Dibrugarh (Barman, 2015, p.97).

On narrating her experience Kankan said-

I was scared. I didn't like him. There was no way out because I had left my home. I had a dream of economically supporting my family. We left for Guwahati on a train from Dibrugarh. He hasn't spoken a word to me all along the journey. But, in Bengali, I heard him talking with somebody over the phone. Overhearing his conversation made me terrified and frightened (Barman, 2015, p. 98).

Although Kankan was trapped with false promises of love, her case also shows that she sought for a job and economic opportunities. Since the person built euphoria of being connected with people in powerful positions Kankan believed that he could help her to fulfill her dream of being economically self-reliant.

In Guwahati, Kankan was introduced to a vegetable vendor who offered her a cup of tea. The vendor and the boy went a distance away from her. In the middle of their conversation, they kept looking at Kankan. This made her uncomfortable and she was petrified at the same time (Barman, 2015, p. 98).

After a while, the boy came up to her and told her that he would be unable to take her to Dhubri that day. He said that for the day they would have to halt in a hotel in Guwahati. Kankan refused

to stay with him in a hotel. Her refusal made the boy furious. He slapped and dragged her into the bus.

This unexpected behaviour of the man led Kankan horrified. Without much thought she screamed and asked the passengers to help her. Although the boy tried to escape from the bus, he was caught by the passengers who then took them to the Women's Police Station. Kankan was brought to the author's shelter home and he was sent to jail (Barman, 2015, p.98).

Kankan was unwilling to leave the shelter home. She was seeking for economic avenues for becoming self-dependent. The reluctance to not leave the shelter home was also to evade the familial and societal pressure of marriage. She questions- "*In a girl's life is there anything apart from marriage? I don't want to get married*" (Barman, 2015, p. 98).

Within the spectrum of permitted monogamous heterosexual relationships, marriage as an institution becomes a site wherein the society allows and sanctions the heterosexual relationship. Such heterosexual relations are sanctioned and controlled by society in order to maintain the legitimate production of human beings. To be within the measures of legitimacy, marriage as an institution is imposed upon men and women.

Since the sexuality of women is controlled, repressed and restricted this imposition is seen more upon women. Marriage as an institution is forced to primarily control and dominate the bodies of women. It is this pressure of marriage that Kankan wanted to avoid. She believed that with marriage there would be an end of her dream to become self-dependent. This understanding of Kankan could follow from her gendered socialisation, wherein a woman after marriage is strictly restricted within the domestic spheres. A woman after marriage is restricted within the gendered labour of nurture and care to the family.

This story reflects a story of agency wherein Kankan had made conscious decisions and choices in life. By rejecting and questioning the institution of marriage and also deciding to reside in the shelter home reflects her determination and urge to become a self-dependent individual. Her story brings forth that girls and women in distressed situations are not girls and women without agency and choice.

6.3. MORALITY AND IMMORALITY: THE ARGUMENTS⁴³

The writer in many stories tried to establish the identity of a ‘good girl’ and segregated those who were yet to be converted to ‘good and docile’ girls. In one of the cases, she reiterated that the girls who were rescued did not have the qualities of ‘an Assamese girl’. They often used bad words and wore dresses which according to her were not modest. “*They slept all day long and in the evening they woke up and dressed well*” (Barman, 2015, 45).

She states that these habits are acquired from their lives in brothels and to bring them to the ‘normal situation’ takes a considerable amount of time. The process of bringing them back to the ‘normal situation’ is through a clinical psychologist, part-time Doctors, and based on their education they are provided with vocational training. Through this process, they could be brought back into the ‘mainstream’ society. She also mentioned that these girls are kept separated from other girls (Barman, 2015, p. 45).

The context of ‘normal situation’ reflects the author’s idea of being an ‘asexual, good woman’ which essentially is an androcentric and sexist construct of a woman. This act shows the author’s perceptions of moral and immoral girls and illustrates that in the guise of rescue, organisations often rescues voluntary sex workers. This is drawn from the above wherein these girls refrained

⁴³ This section brings into light the arguments made by the author.

from adopting the new ways of life in the shelter home. Their continuance with their lives in brothels reflects that they were forcefully rescued from the business. This argument of forced rescue also erupts in Chapter IV and Chapter V and is found to be relevant in the context of Chapter VI wherein the author through her narration of this particular case indicates that organisations conduct forced rescue of girls and women into commercial sex.

Moreover, she argues that the causes for the proliferating business are the lack of spirituality which leads to the uncontrolled desires of passion and sexuality. On the contrary, she maintains that spirituality can dominate the innate sexual desires of human beings. She believes that spirituality can lead to the regeneration of compassion and love amongst human beings and this can create a net to prevent sex trafficking and sex work (Barman, 2015, p.64). Further, while narrating another case she argues that spiritual education can bring stability to human sexuality (Barman, 2015, p. 162).

The author argues about the heterosexual relationship which according to her should be righteous (khot) and moral. A polluted heterosexual relationship has an impact on the next generation. She argues that- *“Inside a righteous women’s womb, a righteous child gets birth”* (Barman, 2015, p.85). This argument is one of the causes that subjects women to psychological violence. This is because a child’s failure is always ascribed to be a failure of a mother. This thought process is the output of the patriarchal construct of society (Barman, 2015, p. 85). She argues about cultured women, who follow the codes of moral modesty in society. She articulates on the ‘modesty of dresses’ which she believes to be essential for a woman to consider.

The author’s idea of sexuality is strictly within the boundaries of ‘legitimate procreative heterosexual monogamous relationships’. As argued in Chapter I the sole purpose of these heterosexual relationships is reproduction. Further, her argument on ‘righteous birth out of

righteous women' brings to light her internalised conceptions of gendered socialisation and patriarchal orientation which makes her belief in the context of 'righteous heterosexual relationships', 'modest dresses' which are essential elements to the construct of a woman. These constructs indicates that women should essentially be in monogamous legitimate heterosexual relationships.

Apart from this, the author provides a layout of the techniques that are adopted by the trafficking networks. This is as follows:

- They employ workers,
- They bound them to work for their business,
- They trap with fake and false promises of marriages,
- They also trap with promises of employment and displace them from their homes and recruit them in the commercial sexual industry (Barman, 2015, p. 64).

6.4. CONCLUSIONS:

The diary, therefore, is an exhaustive narration of the worker's involvement in the movement against trafficking. The stories have not only brought about complex questions on different aspects of sex trafficking but also have shown how the subjugated, proletarian and marginalised status of women is interconnected to the construct of a prospective victim of sex trafficking. The commonality of these stories is the poor economic background of the girls and women. The stories also reveal that in most of the cases the common technique to lure women and girls were promises of marriage, love, and job. Another aspect that echoes in these stories is the exploitation and manipulation of the trust of the victims. The diary also throws light on the

process and the complexities of rescue and rehabilitation as it shows in most of the instances that the voices of the victims and survivors often go unheard.

An analysis of the above reflects an abolitionist stance of the author. The author in most cases brings the stories strictly within the confines of her patriarchal ideologies and belief in the patriarchal construct of the society. The title of her diary *Nosto Chandrika* which meant ‘a damaged girl’ itself is a revelation that survivors of sex trafficking are damaged women or girls. This idea of ‘damaged’ follows from the gendered and patriarchal construct of chastity and purity of a woman.

Also, in her stories, she establishes and frames the girls in words that reflect their innocence and ignorance to enter the trade of sex work. Her story indicates that although the victims were trafficked, however, after rescue they express a sense of shame in their gestures and body language. Shame on the bodies of ‘damaged or bad women’ has been historically used as a tool to maintain patriarchal control and order in society.

This thread of analysis shows the writer’s internalised identities of ‘good’ girls or women, her understanding of morality and immorality and in some instances it also shows her flawed understanding of sex trafficking which is often found to be conflated with sex work (Barman, 2015, p. 46). She considers sex work as an occupation that can never be selected on a voluntary basis. This notions of sex work has implications on her conception of the phenomenon of sex trafficking. Hence, although the diary is rich in its content, however, it also holds an anti-prostitution stance. It fails to make distinctions between constrained and willful prostitution and also is seen to make a conflation in the concepts of sex work and sex trafficking.

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Personal Interview

Barman, Assam, March 1, 2016.

CHAPTER-VII

CONCLUSION

The present research is situated in the context of Assam and Meghalaya. This research is an exploration of the complexities involved in the trafficking of girls and women in Assam and Meghalaya. As knowledgeable agents located in actual lived situation this study takes into account the lived experiences of the rescued trafficked victims, and residents of shelter homes. It also takes into account the voices and experiences of those involved in the mitigation of trafficking in women and children. To substantiate the research claims, the study also considers a diary written by an activist. The lived experiences and the voices constitute as the realm in which the questions of this research originated. The narratives and experiences provide a unique understanding of the phenomenon of sex trafficking in Assam and Meghalaya. The production of this thesis, therefore, demonstrates a gender-sensitive conceptualisation and understanding of the phenomenon.

This study is based in these regions (Assam and Meghalaya) because both the states are geographically interconnected. Also, the road to reach the red light area in Assam (Silchar) is through Meghalaya. Considering the higher incidences of sex trafficking and sparse research of the phenomenon this study seeks to undertake a feminist engagement of the phenomenon. The rationale of this research is grounded on the complex and varied socio-economic profiles of the states and an upsurging incidence of sex trafficking in Assam and Meghalaya.

The strategic understanding of human trafficking is within the framework of force, coercion, deception, and abuse of power. The purpose is to exploit an individual in forced slavery-like practices. This thesis has presented intensive research on a particular form of human trafficking

and that is sex trafficking. The rationale behind conducting the research was the propelling intensity of sex trafficking in the states of Assam and Meghalaya.

The study first presented the context in which the research would be undertaken. Beginning with a broad review of human trafficking, it moved to the debates and concerns of sex trafficking. It argued that trafficking in contemporary times is rapidly intensifying in different parts of the country. Although the debates on human and sex trafficking postulate that poverty, displacement, civil unrest, unemployment, globalisation are the primary foundations of the phenomenon, yet the present thesis argued that feminisation of poverty, gender inequality, and power relations across the spectrum of gender are the root causes of sex trafficking. Besides this study has shown that force or coercion, abuse of power, and false promises of jobs, love, and marriage are the recruitment tactics of the complex trafficking nexus.

Multiple forms of human rights violations are the plausible consequences of the phenomenon of sex trafficking. This study argues that victims of human trafficking endure varied forms of exploitation which include genital burning, physical assault, sexual assault and also different forms of mental exploitation. In addition, this research maintains that the primary form of violence is the curtailment of personal liberty and freedom.

The broad review of debates centering sex trafficking shows a continuum conflation of sex work and sex trafficking. This merging and overlapping of the two different concepts are found to have drastic impacts on sex workers. This is in a sense that the conflation tends to blur the distinction between forced and voluntary sex work. It also results in legal responses that have tremendous fallout and impact on sex workers. Thereby, it inherently denies the agency of sex workers and reduces them to mere offenders or victims who need moral policing, social care and

protection. The tendency of overlapping the two hence fails to recognise the wider scope of human trafficking and neglects the complexities involved in sex trafficking.

Also, the varied engagements in the debate of sex trafficking seek to conflate migration and sex trafficking. This research argues that such an overlapping denies agency and decision-making ability of women. This conflation is seen to persist in the state responses against sex trafficking, which then restricts and controls the mobility of women across borders. This research contradicts the conflation and highlights that the flawed understanding of the phenomenon would necessarily stand as an impediment to the social and economic empowerment of women.

This thesis has given a vivid and chronological portrayal of the process of trafficking:

1. Identify the potential victims,
2. Employ suitable recruitment tactics
3. Traffic to the destination sites
4. Sell or procure the victims
5. Endure extreme forms of human rights violation
6. Engage in forced sexual services

State response to the above process includes the following steps:

1. Rescue
2. Rehabilitation
3. Restoration/Repatriation
4. Prosecution of traffickers

The primary design of the anti-trafficking movement is protection, prevention, and prosecution of traffickers. The fundamental link between the process of trafficking and the state's response to trafficking is the trafficked victim. The primary principle of the former chronology is the violation of human rights, while the latter is premised on the protection of rights and interests of trafficked victims.

The thesis is involved in a critical and rigorous engagement of the existing literature on human and sex trafficking. It finds a vital gap in the literature and argues that- although the pre-rescue situations and conditions are an extensively researched area, however, post-rescue accounts lay under-researched. Apart from delving into the causes and consequences of sex trafficking in Assam and Meghalaya and the narratives of rescued trafficked victims, and civil society this research has also sought to find out whether the rights and interests of rescued trafficked victims are secured and protected.

To listen to the voices of those at the center (stakeholders) and periphery (rescued trafficked victims, survivors of sex trafficking, residents of shelter home) the study was conducted in the shelter homes in Assam and drop-in-centers in Meghalaya. Since the role of the church was integral to the social setting of Meghalaya, the researcher also made several visits to the Synod and Presbyterian Church.

The empirical study was conducted in two phases. In the first phase the researcher volunteered to work in a shelter home and in the second phase, she volunteered to work in the head office of an organisation. This was a conscious attempt to receive permission and access to visit the shelter home of the organisation. In this phase, the researcher also visited other shelter homes, drop-in-centres, and church.

The total number of respondents that contributed to the study was 173, out of which 70 were rescued trafficked victims, 04 were residents of the Ujjawala shelter homes. Besides, 19 respondents were members of the Non-Governmental Organisation, and 15 were police personnel.

In addition, to probe, contextualise and analyse the phenomenon responses of 10 Pastors from Synod and Presbyterian Church were taken. Voices of 07 sex workers who were brought to be counselled in the drop-in-centers were also included in the study. In Meghalaya, the researcher also interviewed 05 headmen of the village council (*Dorbar*) and 03 politicians in Assam and Meghalaya.

Further, to investigate and analyse the already existing narrative of a trafficker (*khupa dhora*) in Assam, this study took the voices of 30 respondents. These respondents also contributed to understand the position of women in Assam. Also to further understand the phenomenon this study took into account the voices of 10 tea garden workers.

The sampling methods undertaken in this study were- criterion, convenience, and snowball sampling method. The study is based on a narrative phenomenological approach and a case study approach. The data is processed in vivo coding and narrative coding method which is then followed by a content analysis method

Assam and Meghalaya's socio-economic setting lay a fertile ground for sex trafficking. The socio-economic status in these regions has pushed women into a deep and complex position of subjugation and inferiority. The states have been plagued by the problem of poverty, the secondary status of women, and increased incidences of violence against women. Besides, the state's strategic locations, demographics, natural calamities, gender differences, and civil unrest are some of the factors that have made the states vulnerable to the problem of sex trafficking.

The social design in Assam is patriarchal, patrilineal and patrilocal. This social design creates hierarchy and subjects women in Assam to extreme forms of gender-based violence, dowry murder, rape, domestic violence. In addition, the state has experienced a history of ethnic conflicts, separatist violence and has been vulnerable to seasonal floods. These factors have led the affected population to suffer displacement. In situations of displacement and despair relief camps becomes the only available alternative for the affected people. The state relief camps are becoming one of the supplying sites for victims of sex trafficking.

Meghalaya, although a matrilineal and matrilocal is evidently patriarchal in nature. This is revealed in its statistics and records on violence against women in Meghalaya. The available statistics on violence against women are an indication of the increase in the number of incidence of gender-based atrocities against women.

Although the anti-trafficking laws and policies were designed specifically to prevent sex trafficking, the study nevertheless found that the laws had actually sought to purify society from the 'impurities' of the prostitution system. It also increased the covert nature of prostitution activities, which further fueled the rise in sex trafficking. Moreover, the stringent border controls led to an increase in the number of trafficked girls and women. Thereby, an analysis of the laws puts forth that it is discursively embedded with the notions of 'pure and impure relations' of sexuality. The laws are found to maintain the sexual order of 'compulsory heterosexual relationships' by creating a moral panic on the trafficking in women and girls. The study found that the national and international laws designed to combat human trafficking have emphasised on trafficking in girls and women. This over emphasis on sex trafficking is found to have a 'moral panic' in both the national and international community. The moral ideologies are found

to have an immense influence on the anti-trafficking discourse. Also, the laws against sex trafficking are used as an alibi to restrict immigration.

Laws on sex trafficking masquerade as laws to control the influx of migrants. The anti-trafficking drive operates as a shield for the implementation of the nation-states 'xenophobic' anti-immigration policies and rules. The study finds that the laws against sex trafficking act negatively for migrant women and voluntary sex workers.

The narratives also appear to interchangeably use the terms 'trafficked victim' and 'sex worker'. The thesis, therefore, seeks to argue that members of the anti-trafficking squad often end up conducting forced extraction of 'voluntary sex workers'. The rationale which a few respondents cite is that victims who were originally trafficked later chose to take sex work as a profession. The evidence of this research suggests that the members of the civil society uphold a necessity to bring trafficked victims into 'mainstream' society. It is found that the narratives of civil society are in conjunction with the patriarchal standpoint. This is revealed in the narratives where respondents hold a patriarchal abolitionist stance. They argue and hold that trafficked girls who become habituated to sex work are difficult to pull back to the normal course of life. They (respondents) state that the only way to deal with this problem is to provide counselling to rescued trafficked victims.

Thereby the study found a deep violation of the ideological conceptualisation of rescue and rehabilitation. Evidence also suggested that the anti-trafficking policies overlook the varied dimensions of the politics of rescue and rehabilitation of rescued trafficked victims.

According to the respondents the ideological premise of anti-trafficking policies lay on the restoration of the rights and interests of trafficked victims. The means to this is to conduct rescues and rehabilitate trafficked victims. However, the research finds that the anti-trafficking

debates do not lay impetus on the free will of the woman or girl rescued. This argument is drawn from a case wherein a respondent was initially a trafficked victim, however, she became a sex worker and eventually she was forced out of the industry. It is double trafficking of girls and women- first by anti-state agents and later by state agents. This is evident from their testimonies. The state too displaces them against her will and cages them in a house which is under constant surveillance by the state. Therefore, the study revealed the unaddressed complexities involved in the anti-trafficking discourse.

Further, the study found that the stakeholders involved in dealing with the phenomenon of sex trafficking have a partial understanding of it. This is revealed in the testimonies given by the members of the civil society wherein they conflate sex trafficking and sex work. The voices reveal an aversion to voluntary sex work and an attempt is made to curb it. The research also found the structural binaries of morality and immorality, and good and bad. These binaries are revealed from the standpoints and the narratives of the respondents. The voices show a deep tone of erupting sex markets, which is held as a necessary precondition to deal and uproot the problem of sex trafficking.

Based on the testimonies, this study suggests that along with poverty the fundamental foundations of sex trafficking are the inherent and structural gender inequality and oppression. The voices of this study reveal that the victims are targets of sex trafficking because of their multiple exploitations and domination which begins from their childhood.

In the pre-rescue accounts the research found that victims of trafficking in Assam and Meghalaya were mostly transported to cities like Mumbai, Pune, Delhi, Chennai, Bihar, and Haryana. In the disguise of lucrative opportunities, women are trafficked into bigger cities. Apart from promises of marriage and love, the common recruitment method that the study found is the offer of job

opportunities. Also, to induce victims into sex trafficking, it was found that they were manipulated with false concern, care, and love. The present research has argued this to be ‘politics of love’ which is used as a tactic to recruit girls and women into forced sex work. Testimonies reveal that victims of sex trafficking undergo gross human rights violations which include psychological, physical, and economic abuse. Along with physical violence, this research unravels layers of psychological exploitation which occurs with the exploitation of trust and labour. The study finds that victims of trafficking are subjected to extreme forms of violence which sometimes could be fatal.

In the post-rescue accounts, the study had revealed that the rescued victims of trafficking often expressed dissatisfaction with the poor food quality, provision of personal care, vocational training and no provision of formal education. Throughout the narratives, a common complaint that the ‘inmates’ echoed was the feeling of being incarcerated within the rehabilitative spaces. Victims also complained of being locked and caged in the rescue homes. The voices also revealed a strong sense of comparison between a brothel and a shelter home. They reflect that in both the spaces they remain caged.

In addition, the study also reveals that victims are subjected to physical and psychological harm in the post-rescue situation. A number of victims spoke about how some of the staff of the shelter home exerted verbal, physical and psychological abuse over the victims. The study found that the shelter home is indeed a site of tremendous exploitation for trafficked victims. The respondents perceived the shelter site as restrictive and limited spaces in which their mobility, speech, and desires were restricted and controlled. The evidence of this research poses significant questions about the insensitivity of the shelter home workers.

The narratives present an alternative depiction of raids and rescue, leading one to the question as to whether ‘victims’ are at the locus of the discourse on trafficking. This research shows that victims are not central to the sex-trafficking drive. Their consent is not taken into consideration in both pre and post rescue situations. Regardless of the exploitation and violence those victims of trafficking undergo, this research finds that the victims question and protest against the different kinds of injustice imposed on them. They express and demonstrate resistance to violence. In this context, this research argues that victims of trafficking are not passive recipients of abuse and oppression.

A diary that was written by an NGO worker also discussed the various aspects of the crime of sex trafficking. It has shown how the subjugated, proletarian and marginalised status of women are interconnected to the construct of a prospective victim of sex trafficking. It brought forth that the major vulnerability of victims of trafficking is poverty which makes girls and women susceptible to the phenomenon of sex trafficking. The diary shows that the most common recruitment tactics are - false promises of love, marriage, and job. The consequences of the phenomenon are revealed to be immense. The diary also reveals that victims of trafficking undergo deep physical and psychological trauma.

An analysis of the diary shows that the author makes a continuous conflation of sex work and sex trafficking. A feminist deconstruction of the diary shows an attempt to cleanse the impurities of immorality borne by the rescued trafficked victims. The writer argued that these impurities are attained when trafficked victims work in forced/voluntary sex work. The diary reiterates the binary that exists between ‘good or bad women’. In a patriarchal tone, the author often tries to prove that the rescued trafficked victims are deprived of agency and decision-making ability. Henceforth, the diary reflects the constructed patriarchal ordering of society.

Therefore, the evidence of this research reveals that the marginalised and the secondary status quo of women are the primary causes of sex trafficking in girls and women. It also reveals that the gendered and patriarchal social, political, economic and cultural inequalities are the foundations upon which sex trafficking manifests.

Subsequently, victims of sex trafficking undergo gross and extreme human rights violations. They are essentially in a situation of distress and hopelessness. The research reveals that they are not only subjected to physical and psychological violence in the pre-rescue situation but also undergo psychological and physical violence in the post-rescue situations. It also discovered that the rescued trafficked victims are often incarcerated in the rescue homes.

In addition, the research also found that respondents often interchangeably used the terms ‘trafficked victim’ or ‘sex worker’. Also, the study found a contradiction in the objectives and ideologies of rescue and rehabilitation organisations of victims of trafficking. According to the respondents, the principles of the anti-trafficking regime were based on the wellbeing of victims. However, this research shows that in actual practice rescue and rehabilitation works negatively for victims as it negates agency and authority of trafficked women and girls over their lives. Hence, the study establishes that although the ideological underpinning of the categories of rescue and rehabilitation is to secure the rights and interest of rescued trafficked victims. Nevertheless, the evidence support that rescue and rehabilitation violate the rights and interests of rescued trafficked victims.

7.1. SUGGESTIONS FOR THE STUDY:

As the study conceives feminisation of poverty and the marginalised category of women as the foundational causes of sex trafficking, it thereby suggests the need to address the problem of poverty amongst women. It also proposes the need for grass root level gender awareness

campaigns. These awareness drives are also important for the stake holders of the anti-trafficking squad. It urges the need for gender-sensitive sex trafficking workshops.

Moreover, the study recommends the need to delink and bifurcate the concepts of sex trafficking and sex work. Such an attempt would facilitate a better approach to deal with the problem of sex trafficking.

7.2. SCOPE OF FURTHER STUDY:

The study urges to delve into the dynamics of rescue and rehabilitation of survivors in a shelter home. Further, since the politics of rescue and rehabilitation is an under-researched area therefore, this study opens further research on the question of whether rescue and rehabilitation secure the rights and interests of the rescued trafficked victim.

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Feroza, Meghalaya, October 4, 2015

Firdous, Assam, Decemeber 8, 2016

Florence, Meghalaya, February 18, 2015

Isabelle, Meghalaya, December 4, 2016

John, Meghalaya, July 21, 2016

Jonaki, Assam, October 4, 2015

Josephina, Meghalaya, July 27, 2016

Jyoti, Assam, November 25, 2016

Jyots, Assam, March 14, 2018

Kamal, Assam, March 7, 2016

Laxmi, Assam, February 17th, 2017

Lipika, Assam, August 24, 2015

Madhu, Assam, October 12, 2015

Manjula, Assam, March 1, 2016

Mary, Meghalaya, July 16, 2016

Minati, Assam, July 15, 2018

Muskaan, Assam, September 13, 2016

Naushad Banoo, Assam, February 29, 2016

Neena, Meghalaya, July 7, 2016

Niharika, Assam, March 12, 2018.

Niman, Meghalaya, July 23, 2016

Noor, Assam, October 19, 2017

Ranju, Assam, August 18, 2016

Pokhi, Assam, August 24, 2015

Preety, Assam, Decemeber 7, 2016

Phoolmati, Assam, 15th March, 2016

Rahul, Meghalaya, July 11, 2016

Ranju, Assam, 18 August, 2016

Raziya, Assam, October 10, 2016

Rima, Assam, July 12, 2016

Rita, Meghalaya, July 16, 2016

Rupohi, Assam, July 14, 2018

Samuel, Meghalaya, July 13, 2016

Sarita, Assam, July 13, 2016

Shalu, Assam, March 1, 2017

Shanti, Assam, January 12, 2017

Tiloka, Assam, March 7, 2016

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'Who Would Like to Live in This Cage?'

Voices from a Shelter Home in Assam

BARNALI DAS

The functioning of shelter homes under Ujjawala, a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and reintegration of victims of trafficking for commercial sexual exploitation, directs one to examine the issues surrounding "rescue" and assumptions about what happens to the rescued girls and women. The discourse on rescue and rehabilitation often portrays girls and women as "liberated" from commercial sexual exploitation. An interrogation of the politics of rescue using research was conducted in a shelter home under the Ujjawala scheme.

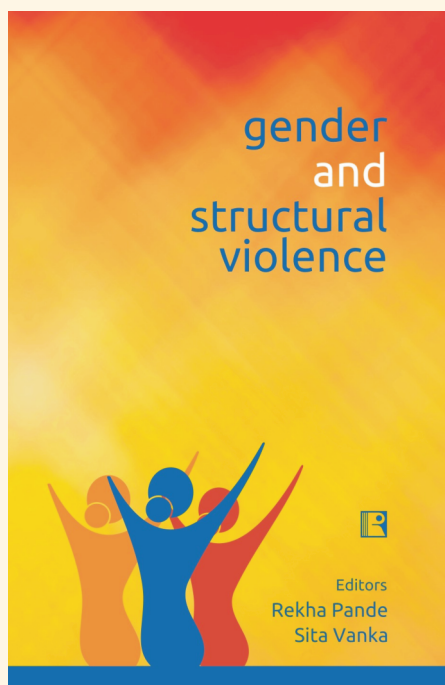
India's first "rescue homes," designed for girls and women rescued from prostitution, date back to the early 20th century. With the passage of time and public recognition of other forms of distress affecting women—domestic abuse, abandonment and political dislocation—the purpose of these homes changed to include women needing "shelter." In 1969, the Government of India (GoI) designed Short Stay Homes for Women and Girls (sshs) and later, schemes like Swadhar Greh, that caters to the primary needs of women in difficult circumstances; Ujjawala, a comprehensive scheme for prevention of trafficking and rescue, rehabilitation and reintegration of victims of trafficking for commercial sexual exploitation; and the One Stop Centre scheme, which addresses the needs of girls and women suffering misfortune. Theoretically, these homes are concerned with the rehabilitation of the girls and women they receive, and aim to help them begin new lives. A very important purpose and role of shelter homes is to "protect" the rights and interests of girls and women in distress.

Attention to sex trafficking by the government is a result of India signing the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000). This has led to escalated raids and rescue in the country. As estimated by Sankar Sen and P M Nair's research on trafficking in women and children, the total number of raids in India during 2002–03 was 6,479 (2004: 111). The respondents (police officers) of Sen and Nair's research considered these escalated raids evidence of the proper functioning and efficiency of the state in combating trafficking (2004: 133).

The drive for raids and rescue as an effective way to fight trafficking gained momentum in the early 21st century. Moreover, raids "prove" to the domestic and international community that the GoI is taking steps to stop trafficking and help the victims. Hence, the issue of trafficking and its countering by the state mechanism has given rise to the need for creating spaces for women and children rescued from traffickers. At present, there are both government- and non-governmental organisation (NGO)-run shelter homes for trafficked women, varying dramatically in the way they are run and the services they provide.

The sshs of 1969 were designed to provide temporary shelter to girls and women who suffer social and moral danger due to family problems, mental strain, violence at home, social ostracism, exploitation and other causes (PEO nd). The scheme evolved to address the problems of girls and women arising out of marital conflicts, rapid urbanisation, industrialisation,

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Gender and Structural Violence

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Structural violence is the concept of macro, system-level inequality and oppression which was introduced in modernist discourse by Johan Galtung in 1969 through the article 'Violence, Peace, and Peace Research'. It refers to a form of violence wherein some social structure or social institution may harm people by preventing them from meeting their basic needs. Institutionalized adultism, ageism, classism, elitism, ethnocentrism, nationalism, speciesism, racism, and sexism are some examples of structural violence as proposed by Galtung. Because structural violence affects people differently in various social structures, it is very closely linked to social injustice. Structural violence and direct violence are said to be highly interdependent, including family violence, gender violence, hate crimes, racial violence, police violence, state violence, terrorism, and war.

Structural violence is the most basic or fundamental form of violence. It is expressive of the conditions of society, the structures of social order, and the institutional arrangements of power within the society. The articles in this volume look at various societal structures and institutions to understand violence against women. The book will interest researchers, academics, social workers and all those concerned with gender-based violence.

Rekha Pande is the Head of the Centre for Women's Studies and a Professor in the Department of History at the University of Hyderabad, Hyderabad. She was the Director and Chair of the 12th Women World Congress (2014) organized in Hyderabad. She is the founding member of two Centres for Women's Studies, one at Maulana Azad National Urdu University and the other at University of Hyderabad. She has to her credit sixteen books and more than 150 articles published in national and international journals and books. She has been the Editor of *International Feminist Journal of Politics (IFJP)*, Routledge, Taylor and Francis Group, UK and *Foreign Policy Analysis*, Blackwell, USA. She has received the Visiting Fellowship at the Institute of Berkbeck, University of London; International Visiting Fellowship in the School of Policy Studies, University of Bristol, UK; Academic Fellow, University of Buffalo, USA; International Visiting Scholar, Maison De Research, Paris; and Visiting Professorship at the University of Artois, Arras, France. She has widely travelled in India and abroad to deliver lectures and keynote addresses.

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Anti-trafficking Laws and the State

A Critical Review of State Responses to Human Trafficking

Barnali Das

Human trafficking lies in the conditions of force and coercion. It is a situation wherein individuals are forcefully held captive and are enslaved. Thereby the conceptualisation of human trafficking lay on the principles of captivity and enslavement and in present articulated as ‘modern day slavery’.

International response to the above embarked with the beginning of White Slave Traffic Act 1910. The act of 1910 has its proposition on ‘slavery’ and the ‘hegemonic racial identity’. The urgency of the State mechanism to deal with the phenomenon was primarily based on the transportation of ‘white’ women as sex slaves. Therefore the drive of antitrafficking laws was based on its association with ‘slavery’. This identification with slavery made the introduction and acceptance of antitrafficking laws in the legal and social terrain.

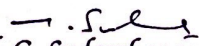
The present paper analyses the foundations of the origin of national and international laws on trafficking. The study circumscribes around two major questions – “Why antitrafficking laws are important for the State?” “What led the State to drive a crusade of antitrafficking laws and construct it as a global phenomenon?”



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