
INTERNATIONAL JOURNAL OF ADVANCED LEGAL RESEARCH

**EXAMINING THE DISTURBING REALITY OF BRIDE TRAFFICKING
IN INDIA**- Kashish Bhushan¹**I. ABSTRACT**

This research delves into the disturbing reality of marriage trafficking in India, where females are viewed as commodities and marriage is treated as a business opportunity. Despite making up almost half of the population, women in India face socioeconomic challenges. Mahatma Gandhi once stated that the progress of a country is determined by the social status of its women, yet India remains a dangerous place for them. Economically underdeveloped areas in the east and south of the country produce brides who are sold into marriage by spouses and agents to men seeking wives. These women are closely monitored and have no say in their lives, leading to a difficult existence as slaves. They are forced to marry men who are much older than them and some are even pushed into prostitution. The study relied on secondary sources such as journal articles, novels, and newspapers to analyze the situation of women who have experienced marriage trafficking in India from multiple perspectives. The study aimed to understand the factors contributing to this issue, the long-term effects on women, and the current laws and provisions related to trafficking. The findings are divided into various themes based on these objectives.

Keywords: Marriage trafficking, Commodity, Commercial Opportunity, Forced Prostitution, Domestic Violence.

II. INTRODUCTION

¹Symbiosis Law School, Pune.

India has been listed under the Tier-2 category of nations in the Trafficking in Persons Report for July 2019, which is published annually by the State Department of the United States. This suggests that despite efforts to stop human trafficking through constitutional and legislative measures, India has been unable to do so. All across the world, especially in China, trafficking for marriage is a highly regular occurrence. Women from Vietnam and Cambodia, for instance, are trafficked to China; similarly, women from Vietnam, Nepal, and Uzbekistan are trafficked to South Korea; and for the same reason, women from Bangladesh and Nepal are trafficked to India. As a result, international trafficking in women for marriage is a widespread and well-known practice in many nations. Women are enticed and coerced into bride trafficking by traffickers and middlemen using a variety of tactics. A few traffickers speak with family members directly to recruit victims by promising them a wonderful job and a happy marriage. Her family's involvement puts the trafficked brides under constant pressure throughout the entire process, reducing her chances of escaping this abusive forced marriage².

In India, arranged weddings are also frequent, and many unions later become a haven for the trafficking of women. The chance to wed a wealthy individual lures woman into trafficking. The victim may fall in love with someone who later traffics her and sells her to someone else for money. This is another method of operation. A variety of human rights crimes, including as kidnapping, forced prostitution, rape, sexual slavery, grave damage, and re-trafficking, are committed against trafficked brides. In the past, an Indian pattern involving bride trafficking has been noticed, where the trafficker repeatedly contacts the trafficked bride with the intention of re-trafficking her. The trafficker keeps an eye on the victim's life and, if she experiences violence or abuse, tempts her to divorce her husband and wed another person. Because of this, many of these victims have been sold five to eight times. Traffickers entice the victim by promising that the next spouse and his family will be good and that they are sorry for marrying the victim in such a place. The fight of trafficking victims against such violations and against human rights violations is simply one side of the coin.

The paper is based on the three goals of the current study, which are as follows.

²Priyali Sur, Silent Slaves: Stories of Human Trafficking in India, Women's Media Center, 30 December 2013 (May. 5, 2023), available at <http://www.womensmediacenter.com/women-under-siege/silent-slavesstories-of-human-trafficking-in-india>.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

III. RESEARCH OBJECTIVES

1. To research the causes of Indian bride trafficking.
2. To comprehend the additional effects of Indian bride trafficking
3. To evaluate the regulations and laws currently in place that deal with human trafficking in India.

IV. RESEARCH METHODOLOGY

Our culture views marriage as a business opportunity and women as commodities. In this section, the study looks into the harmful reality of marriage trafficking in India. The majority of the secondary data was gathered through journal publications, newspapers, and various web sources. It has investigated and examined the causes, effects, and ramifications of bride trafficking in India. In order to avert the aforementioned problem, it has also attempted to critically assess the current laws, positive provisions, and their effects. To better understand the subject, even the foreign research is studied. The study will also be able to pinpoint the hotspots and how they are subtly occurring in relation to local customs in various regions of India. Grounded on the three aforementioned goals, the investigators divided their overall analysis and conclusions into three main sub-themes that cover the entirety of the bride trafficking situation in India from a variety of angles.

V. FACTORS CONTRIBUTING TO BRIDE TRAFFICKING

Several scholars have identified the causes of bride trafficking in India in their researches. The most significant. Under the subheadings listed below, investigations recognized secondary data that are extracted, categorized, and examined.

1. Poverty and Economic Backwardness

Child marriage in India is heavily influenced by poverty, as families of the brides often live in extreme poverty, with meager or no land assets and relying on poorly paid agricultural work during specific seasons. The custom of dowry in India further exacerbates the situation, as

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

impoverished parents perceive their daughters as a financial liability. If a girl child marries young, the dowry also decreases and is given to the groom's family by the bride's family. Additionally, this essay outlined the key causes of bride trafficking. The same is due to social vulnerability toward caste, creed, and religion. After turning 14, the daughter would be seen as a burden by the poor family.

In addition, despite the nation's great economic growth, rise in income, advancements in education, literacy, and healthcare, and increased preference for male children, females are often neglected in some Indian states. The primary justification for choosing to have male children in India is the alleged economic benefits of having boys. Poor living conditions and economic sluggishness are major causes of bride trafficking. The majority of bride trafficking victims are underprivileged and disadvantaged women. Women's economic empowerment may be one of the most effective methods for preventing crimes committed by women. Women who are economically independent can recognize the importance of education, stand up for their rights, make wiser choices, and occupy respectable positions in society. Women must effectively participate in the societal activities and many political and social spheres, particularly in local ascendancy, in order to raise their standing. This might help prevent and resolve the urgent issue of bride trafficking in India.

2. Negative Sex Ratio

Certain states in India, such as Punjab, Uttar Pradesh, Mizoram, and Haryana, face higher pressure regarding the preference for male marriages. These states also experience challenges with the child sex ratio compared to other regions. In states like Kerala and Tamil Nadu, there is a concern of a shortage of eligible men for marriage unless the child sex ratio improves to a more balanced level. These states have historically struggled with issues related to female marriages. The underlying reasons behind the marriage crisis in different Indian states vary based on their sex ratio and fertility levels. Imbalanced sex ratios are often a consequence of sex-selective abortions, resulting in a significant disparity between the number of boys and girls. The study found that areas with a scarcity of girls witnessed a higher demand for purchased wives. The skewed sex ratio is attributed to the neglect and discrimination faced by females, along with inadequate healthcare and limited access to technologies for selective abortion³. The research established a connection between girl trafficking and India's

³Drishti Stree Adhyayan Prabodhan Kendra, Report on Impact of Sex Ratio on the Pattern of Marriages

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

imbalanced sex ratio. The study utilized panel data from 1980 to 2011 across 28 Indian states, demonstrating that a 100 unit increase in the child sex ratio was associated with a 0.635 percent rise in girl trafficking, highlighting female feticide as a major contributing factor to bride trafficking. The skewed sex ratio is identified as another factor that contributes to the trafficking of brides. These articles underscore that gender-based preference, particularly the preference for males, is the primary driver behind the imbalanced sex ratio. Moreover, it is evident from the literature review that the increasing demand for males leads to a rise in bride trafficking within the country.

3. Early Marriage

Early marriage usually refers to marriages where a child is below the age of 16. It is prevalent in cases of widespread illiteracy, extreme poverty, and when a girl's family is financially disadvantaged. When girls are married off at a young age, they are forced into early motherhood, which significantly increases the risks of severe health issues, infant mortality, malnutrition, and even maternal death. The issue of bride trafficking is further exacerbated by the occurrence of early marriages. Research indicates a strong connection between early marriage and poverty, highlighting the economic struggles that contribute to this practice. Early motherhood also poses significant risks to maternal health, including the potential for maternal mortality. However, there is a limited amount of information available specifically on the topic of child marriage trafficking and its associated issues.

4. Society as a significant Factor

The traditional patriarchal systems in place prior to 1978 encouraged men to marry and have sons, leading to increased bride costs in China. Consequently, men who lack financial means or other desirable assets are considered socially undesirable partners for women. Some regions, despite the ban, silently tolerate bride trafficking. Haryana, Karnataka, and Kerala have practiced this for years, suggesting societal acceptance of the practice. The author investigated whether society's disapproval would have prevented the persistence of bride trafficking over time, but it appears that society silently approves of it. During weddings, grooms are not properly screened by the brides' families, and after marriage, victims receive no support or assistance in escaping from their abusive spouses and families. Many accounts highlight instances where trafficking victims attempted to escape but were forcefully returned

in Haryana (November 2010), pg. 51.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

to their "husbands," relatives, or buyers. Even when victims seek help from the police, they are often handed back to their abusers due to pressure from families, society, and the frequency of such incidents. Escapees have faced punishment from Khap Panchayats for supposedly bringing shame to the community. The author concludes that due to regressive societal attitudes, trafficked brides are left unsupported and isolated. It is also noted that divorced or deserted women hesitate to report violence or crimes due to social stigma. Patriarchal society further restricts women's options to escape from such abuse. Consequently, the failure of societal standards contributes to the persistence of bride trafficking, as victims receive no assistance even when subjected to abuse and mistreatment in their marriages. Society tends to blame the girl and her family instead. Bride trafficking primarily targets young women, and traffickers often evade the authorities. The prevalence of social stigma creates a significant barrier for victims, as many females fear speaking out about violence perpetrated against them.

5. Educational Background

Inadequate educational attainment is a major entry point for bride trafficking. Women with low-income Families were unable to afford an education, but they preferred that their male children attend school because they believe that this will increase their chances of finding employment, and male children can only effectively take care of the home. It's interesting that the majority of wives were purchased in Rajasthan, Punjab, and Haryana. The lack of girls in these locations prevents unemployed or illiterate young people from finding wives within their society, which gives rise to the custom of bride-buying⁴.

According to the study, the majority of respondents are much less educated and are not familiar with the divorce and compensation legal processes. The vulnerability is thought to be caused by a lack of education, which also accounts for the failure to educate girl children, the difficulty in selecting wives for marriage, and ignorance of several other social and legal

⁴Ministry of External Affairs, Government of India, Marriages to Overseas Indians: A Guidance Booklet (April 2019) (May 8, 2023), available at <https://www.mea.gov.in/images/pdf/marriages-to-overseasindians-booklet.pdf>.

issues. The aforementioned investigations came to the conclusion that the majority of trafficked women and girls have less education and are not familiar with legal procedures.

VI. ANALYSIS OF CURRENT LEGAL POSITION CONCERNING BRIDE TRAFFICKING IN INDIA

Bride trafficking includes crimes at the source, transit, and destination, and laws protect victims from human rights breaches. Despite national and international regulations, bride trafficking continues. Bride trafficking is not defined nationally. Bride trafficking is an unregulated form of human trafficking. However, scholars dispute whether present human trafficking legislation can address Bride Trafficking.

Bride trafficking is profitable and victims are often re-trafficked. When the victim is divorced or abandoned, the trafficker lures her again and traffics her for profit. Traffickers may also encourage brides to abandon their spouses to be resold. 10% of these women are sold more than three times, showing that they are treated like cattle and sold without fear of prosecution. India's bride trafficking problem is growing. Literature has addressed bride trafficking, but law has not. India's only human trafficking statute is the Immoral Trafficking Prevention Act (ITPA) 1986. The ITPA exclusively addresses immoral trafficking and does not mention Bride Trafficking as part of human trafficking. Several laws address Bride Trafficking, but none covers the whole issue. The Bonded Labour System (Abolition) Act of 1976 and the Juvenile Justice (Care and Protection of Children) Act, 2015 discuss bride trafficking. Bride trafficking was originally defined in the Goa Children's Act 2003, but only for children. The Goa Children's Act doesn't address trafficked brides either.

The Indian Constitution outlaws human trafficking. The Preamble of our constitution promises "socioeconomic justice" for all citizens, "equality of status and of opportunity," and fraternity to protect the dignity of the individual. Our state must safeguard bride trafficking victims from human rights violations since they are citizens. Article 15(3) protects women and children from formal equality decline. "Nothing in this article shall prevent the State from making any special provisions for women and children." This article can assist create new bride trafficking rehabilitation, rescue, and support policies. This article can help bride trafficking victims by proposing new or amended laws. Article 23, which outlaws human trafficking and forced labor, directly affects bride trafficking. Article 46 of the Indian

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

Constitution requires the state to protect and advance women's economic interests. Trafficking victims, especially bride trafficking victims, confront economic and societal injustices. The previous provisions and the Preamble to the Constitution hold the state responsible for protecting these women and their interests from social and economic injustice. Given the number of women trafficked to and from India, the state's efforts are fruitless. The Protection of Human Rights Act 1993 does not specifically protect trafficking victims, but it does protect all people whose human rights are infringed. Trafficked brides are raped, beaten, and sexually abused. The National Human Rights Commission has never significantly protected Bride Trafficking victims' human rights. Bride trafficking has not been addressed by Haryana's SHRC. The SHRC of Haryana should be proactive to reduce trafficked brides and provide rehabilitation for them. India ratified the International Convention to Suppress Traffic in Persons and the Exploitation of Prostitution. The ITPA protects India's international responsibilities through domestic law. The ITPA only existed to align national law with Convention requirements. The Immoral Trafficking Prevention Act (ITPA) does not define trafficking and is poorly written. The ITPA solely handles cases of prostitution and sexual exploitation of women, not organ trafficking, bride trafficking, forced labor, etc. This Act's biggest flaw is that it doesn't address trafficked victims' rehabilitation. Section 5A specifies immoral trafficking but ignores forced marriage. The Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, 2020 gives many trafficking victims hope, yet it is unclear. Trafficking victims are not protected by the current legal system, which is fragmented and inconsistent. The measure could unify and integrate existing legislation after minimal revisions. This law envisions local, state, and national anti-trafficking committees⁵. Three anti-trafficking committees at different levels may cause jurisdictional and procedural challenges. This bill requires all antitrafficking units to prepare individual care plans for all trafficking victims, provide appropriate rehabilitation and reintegration of victims and their dependents, discourage re-trafficking, coordinate with other departments and Panchayati Raj institutions to curb trafficking, and facilitate inter-district and inter-State voluntary repatriation. Rescue, emergence, treatment, protection, rehabilitation, and repatriation of trafficking victims are covered in Chapter V of this statute. This bill covers victim rehabilitation, relief, and compensation. The measure strengthens trafficking penalties for

⁵Human Trafficking Caters to Demand for Brides, Mint, 5 September 2014 (May 2, 2023), available at <http://www.livemint.com/Politics/7cSn08nD9gvIEAbZcQrP7I/Human-trafficking-caters-to-demandfor-brides.html>.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

organized crime syndicates and criminal organisations. The bill also penalizes abetment, conspiracy, and attempted trafficking. This bill addresses minute issues that will help fight human trafficking, especially bride trafficking. The bill needs both houses of parliament to pass. Its provisions take effect only then. The bill will die if neither house approves. The court recommended a community-based rehabilitation strategy for victims of human trafficking and forced prostitution in this case. For under-18 trafficked brides, the Juvenile Justice (Care and Protection of Children) Act, 2015 is crucial. The Juvenile Justice Act (JJ Act) protects Bride Trafficking victims because they are under 18. This Act protects children under 18 who are legally protected. Rehabilitating Bride Trafficking victims is easy if the Juvenile Justice Act is followed. State governments can create Child Welfare Committees (CWCs) under the Act. Children that require legal protection need a CWC. Section 34 establishes child-protective homes. The Child Welfare Committee cares for orphans, disabled children, trafficked victims, street children, sick children, and children whose parents cannot care for them. This Act does not define trafficking or discuss anything else. This act protects trafficking brides in several ways. Section 30, clause 7, requires the Child Welfare Committee to place needy children, which can assist avoid re-trafficking. Before placing children, the Child Welfare Committee should examine their age, impairment, and needs. The new Act's provisions are underutilized. The Act may rescue and rehabilitate Bride Trafficking victims, but it has failed to protect them. The Indian Penal Code 1860 punishes trafficking and related crimes. Bride trafficking victims face several more IPC-defined offences. The Indian Penal Code has over twenty trafficking clauses. Sections 372 and 373 govern selling or buying a girl, while Sections 354, 354A, 354B, 354C, and 354D protect women's modesty. Other provisions protect Bride Trafficking and human trafficking victims. Section 366 of the Indian Penal Code, which prohibits kidnapping, abducting, or enticing a woman to marry, is the most relevant to Bride Trafficking victims. Unfortunately, this law is usually used to punish couples who elope for marriage or cohabitation. Section 370 of the IPC defines human trafficking broadly, yet it excludes many significant categories, including marriage-based trafficking.

VII. CONCLUSION

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in

<https://www.ijalr.in/>

Bride trafficking is deeply rooted in our society, requiring a cultural transformation, community awareness, and rigorous law enforcement for its eradication. Both the supply and demand sides of this phenomenon contribute to its persistence. As long as there is a demand for brides in regions with imbalanced sex ratios and a scarcity of girls, the practice will continue. The prohibition or restriction of female foeticide and infanticide is crucial to addressing its consequences, including the spread of bride trafficking globally in recent years. Economically underdeveloped regions in East and South India serve as a source for brides who are bought and sold by spouses and agents to men seeking wives. These women are closely monitored to prevent their escape, living challenging lives as they have no autonomy and are treated as slaves. It is disheartening to witness young girls, at the age of 14 or 15, forced into marriages with men two or three times their age instead of receiving education and building their futures. Some girls are subjected to domestic servitude during the day and forced into prostitution at night, highlighting the dire circumstances they face⁶.

Various intervention strategies can be employed to prevent human trafficking, including raising public awareness, particularly in vulnerable areas. However, the study suggests that current legislation should be revised to incorporate the discussed clauses and strengthen oversight of interstate and border marriages. Additionally, counselling services, rehabilitation support, and livelihood training should be provided to help women victims recover and improve their well-being. Promoting female education is essential, as low-income families engage in bride trafficking due to their inability to afford schooling for their daughters. To combat this societal issue effectively, heightened social awareness is necessary, encompassing education on child marriage, human trafficking, marital abuse, dowries, and relevant laws and programs. Establishing committees at the panchayat level to better understand the socioeconomic status of women is crucial. The education sector should conduct gender audits to challenge patriarchal ideologies. Empowering girls, women, and entire communities is a vital goal in combating the pressing issue of bride trafficking in India.

⁶Judicial Colloquium on Human Trafficking, Human Trafficking, Reading Material, 27 February 2016 (Jul. 5, 2021), available at http://jajharkhand.in/wp/wp-content/uploads/2017/01/05_human_trafficking.pdf.

For general queries or to submit your research for publication, kindly email us at editorial@ijalr.in