

# WHERE JUSTICE FALTERS: SEX TRAFFICKING AND CRIMINOLOGICAL REALITIES IN NORTH AND SOUTH 24 PARGANAS, INDIA

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## ABSTRACT

*Sex trafficking is among the most rooted forms of gender-based violence and organized crime in India, with extensive roots in systemized inequality, institutional collapse, and socio-economic fragility. The present paper critically explores the phenomenon from a criminological perspective, focusing on West Bengal's North and South 24 Parganas districts—areas infamous for cross-border trafficking because of their open borders with Bangladesh, climate-induced displacement in the Sundarbans, and prevalence of poverty. Utilizing criminological theories like Rational Choice Theory, Routine Activity Theory, Feminist Criminology, and Social Disorganization Theory, the research examines how trafficking syndicates survive in the face of lax enforcement, patriarchal social culture, and complicity by the community. From government documents, NGO statistics, and survivor accounts, it examines how traffickers take advantage of structural weaknesses and how victims get criminalized or forgotten by the justice system. The paper also examines India's law, such as the Immoral Traffic (Prevention) Act and the Trafficking in Persons Bill proposed, and finds gaps in enforcement and procedural inefficacies. Particular focus is placed on the breakdown of rehabilitation practices within Ujjawala homes and civil society's intervention in bridging state gaps. The analysis finds that India's anti-trafficking response remains divided, unresponsive, and punitive. The paper contends for a shift in the criminal justice strategy towards a trauma-informed, victim-focused, and people-oriented model of prevention and reintegration. Through the confluence of criminological understanding and grounded regional context, this paper adds to an enhanced comprehension of trafficking as both a legal and socio-political issue in modern India.*

**KEYWORDS:** sex trafficking, criminology, West Bengal, North and South 24 Parganas, victim centric justice

## INTRODUCTION

Sex trafficking is one of the most widespread and hidden manifestations of organized crime and gender-based violence in India. As it is practiced in secrecy, its socio-economic and psychological effects on victims, communities, and national integrity are far-reaching. Comingled by the United Nations as the recruitment, transportation, transfer, harbouring, or receipt of a person by means of threat, use of coercion, abduction, fraud, or abuse of power for a purpose of exploitation, sex trafficking primarily victimizes women and children (UNODC, 2020). It is not just a law-and-order issue but a structural crime, fuelled by intricate webs of poverty, patriarchy, border politics, and institutional indifference. In India, and most notably in the eastern state of West Bengal, sex trafficking is fundamentally rooted in local realities and needs to be studied from a multi-disciplinary criminological perspective in order to uncover its root causes and provide actionable feedback.

In spite of different policy and legal structures—the Immoral Traffic (Prevention) Act (1956), Indian Penal Code Sections 370 and 370A, Juvenile Justice Act (2015), and

international instruments such as the UN Palermo Protocol—India's record of enforcement is weak. A mix of ineffective policing, judicial procrastination, stigma, and poor rehabilitation results in re-victimizing survivors and perpetuating impunity for traffickers. The Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, which purported to offer a holistic national framework, has been faulted on the grounds of not being a rights-based, survivor-centered approach. Additionally, statistics by the National Crime Records Bureau (NCRB) continue to reflect low conviction rates and high pendency in cases of trafficking, which speaks to systemic failure in implementation.

Current criminological research on trafficking in India tends to be broad in nature without regional specificity or survivor-centric data. Whereas global scholarship aims at understanding international supply chains and law enforcement, Indian scholarship has to come to terms with local configurations: how class, caste, climate, and border politics intersect to produce trafficking corridors. North and South 24 Parganas districts consequently provide an important site of analysis wherein these dynamics meet. Research by

organizations such as Durbar Mahila Samanwaya Committee (DMSC) shows that survivors of trafficking from these districts are either detained or dumped in poorly run shelter homes under programs such as Ujjawala, with minimal psychological, legal, or financial assistance.

Additionally, there is usually a discrepancy between law on anti-trafficking and its implementation. Police raids, even if intended for rescue, frequently infringe upon victim rights. Survivors consistently report coercive interviews, absence of legal representation, and lack of trauma-informed care. Court processes are slow and foreboding, and there is high witness attrition. Institutional data is fragmented and inconsistent, rendering policy planning reactive instead of proactive. A criminological perspective that transcends crime statistics and legal formalism is long overdue in this context.

This paper thus aims to provide an essential bridge between theory and praxis. It uses criminological concepts to apply in a directed regional case study of sex trafficking in the North and South 24 Parganas to examine how institutional factors perpetuate trafficking and the ways in which institutions, both state and non-state, react—frequently inadequately. It questions the nexus between vulnerability and exploitation, law and justice, and punishment and rehabilitation. The research is based on secondary data such as NHRC reports, UNODC databases, NCRB statistics, policy papers, and NGO documents, and is underpinned by feminist and victim-oriented methodologies.

The importance of the research is multifaceted. Firstly, it transcends legalistic accounts of trafficking to investigate it as a socio-criminological issue. Second, it provides an analysis of the failures of rehabilitation and reintegration programs like Ujjawala, which is especially applicable to North and South 24 Parganas. Third, it showcases the way regional contexts—like border location, climate migration, and migration flows—generate local vulnerabilities that national policy tends to miss. Finally, by taking a criminological perspective, the study seeks to realign anti-trafficking responses towards a more trauma-informed, community-oriented, and structurally sensitive approach. Therefore, the paper goes round answering the question of how criminological theories explain the persistence of sex trafficking in North and South 24 Parganas of West Bengal, and what they reveal about the gaps and possibilities in India's institutional response?

## LITERATURE REVIEW AND METHODOLOGY

Sex trafficking has been researched across a wide range of disciplines as transnational organized crime, human rights abuse, and gendered exploitation. Nevertheless, regional hotspots of trafficking in India, particularly North and South 24 Parganas in West Bengal, are yet to be the subject of much scholarly research. Traditional criminology, including work by Shaw and McKay (1942), initially concerned itself with urban

social disorganization. These observations formed the basis for subsequent researchers examining trafficking through structural frameworks. In India, researchers such as Sen and Nair (2005) and Misra (2013) have demonstrated how poverty, migration, and natural calamities provide fertile ground for trafficking networks. These vulnerabilities are highly significant in North and South 24 Parganas based on their comparative proximity to the Bangladesh border and regular climate-induced displacement.

Evidence by the United Nations Office on Drugs and Crime (UNODC, 2020) shows that trafficking tends to be composed of intricate cross-border networks backed by document fraud, cyber-facilitated recruitment, and institutional facilitation. The Durbar Mahila Samanwaya Committee (DMSC, 2020) and Goranbose Gram Bikash Kendra (GGBK, 2021) also present empirical evidence of the lived experiences of West Bengal's trafficking survivors. Their findings highlight that rescue mechanisms instituted by the state tend to re-traumatize the victims, and shelter homes are not properly equipped. From a theoretical point of view, Bales (2007) utilized Rational Choice Theory to attempt to comprehend traffickers as economic actors reacting to risk-reward equations. Cornish and Clarke (1986) also highlighted situational crime prevention as an intervention point in the case of trafficking by enhancing the cost or risk to criminal activity. On the other hand, Feminist Criminology, as defined by Daly and Chesney-Lind (1988), emphasizes the intersection of state neglect, patriarchy, and poverty in sustaining the exploitation of women and girls.

Indian feminist authors like Kotiswaran (2011) and Kapur (2017) have criticized the criminal justice system for adopting a punitive and not restorative nature, wherein victims are usually treated as criminals. Their research conforms to Judith Herman's (1992) theory of trauma, explaining how trafficked people need long-term psychological assistance and legal empowerment instead of institutional segregation. Government publications, like those of the National Human Rights Commission (NHRC, 2022), give figures and case numbers on trafficking trends, particularly in West Bengal. Yet, they tend to be more descriptive than analytical. NGOs like Sanlaap and Justice and Care provide more insight into how prevention and rehabilitation have been relatively successful in the case of community-based interventions and survivor leadership models. These models are still underutilized at the state level. In spite of such a robust body of literature, there is a lacuna of criminological literature focusing on localized settings like North and South 24 Parganas. Most current research is either regionally wide or limited to policy and legal analysis. This research aims to fill that gap by making explicit criminological theory application to this region in order to know both the systemic factors and institutional reactions to trafficking.

This paper has a qualitative methodology that stems from critical criminology and feminist epistemology. Due to the sensitive and intricate context of sex trafficking, a qualitative method enables an astute understanding of social, legal, and structural nuances that the bare numbers cannot reveal. The major sources of this study are secondary analysis of government reports (NHRC, NCRB, Ministry of Women and Child Development), scholarly books and peer-reviewed journals on criminology and trafficking, NGO reports (DMSC, Sanlaap, GGBK), and policy reports like the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021. These sources are chosen for their empirical applicability, regional specificity, and theoretical value. NGO reports operating in North and South 24 Parganas were given priority to ensure contextual validity. Thematic analysis was used to determine patterns of vulnerability, criminal practices, and institutional approaches. The study also draws on case studies, media coverage, and survivor accounts presented in public domain reports in order to derive a grounded understanding of trafficking trends in the area. The research does not incorporate primary interviews for ethical limitations and IRB approval, which is beyond the immediate project timeline. Nevertheless, by correlating available sources, the research will seek to present an empirically robust and theoretically informed description of sex trafficking in North and South 24 Parganas.

The paper is guided by three key theories of criminology: Rational Choice Theory, Social Disorganization Theory, and Feminist Criminology. Formulated by Cornish and Clarke (1986), Rational Choice Theory suggests that criminals arrive at rational choices with regard to the perceived costs and benefits. For sex trafficking in the 24 Parganas, traffickers are able to work relatively freely because of poor law enforcement, corruption, and the profitability of trafficking. This theory provides an explanation of why trafficking networks persist in operation in the face of legal prohibition—because they are rational economic businesses in a low-risk, high-return world. Rational Choice Theory also justifies the application of situational crime prevention strategies, including enhancing border patrol effectiveness, regulating recruitment agencies, and implementing surveillance technologies. Social Disorganization Theory, which Shaw and McKay (1942) developed first, states that crime is more common in areas with poor social institutions, poverty, and residential turnover. The theory is also very applicable within the context of North and South 24 Parganas because climate hazards, internal displacement, illiteracy, and dilapidated public infrastructure provide an opportunity easily exploited by traffickers. The breakdown of family and community support systems also adds to vulnerability. This theory enables us to study how eco-failures and institutional disintegration cause the environment to be conducive to trafficking. Feminist Criminology, developed by scholars such as Daly and Chesney-Lind (1988), challenges the male-dominated assumptions in mainstream criminology and

highlights the place of gender, patriarchy, and intersectional oppression in crime causality and victimization. In the case of sex trafficking, this theory puts at the center the ways in which caste, gender, and class intersect to position women and girls in North and South 24 Parganas as especially vulnerable. Feminist Criminology also critiques the state's punitive response to anti-trafficking, which frequently criminalizes victims through legislation such as the Immoral Traffic (Prevention) Act, 1956. In its place, it calls for trauma-informed, victim-centered, and rights-based justice.

Taken together, these theoretical models allow for an integrated understanding of sex trafficking as a multifaceted social issue instead of a series of disconnected crimes. They also underscore the necessity for systemic changes that tackle root causes and not merely symptoms. By basing the research on these theories of criminology, the study seeks to move beyond descriptive legal analysis and confront the underlying socio-political dynamics that perpetuate trafficking in West Bengal's border regions.

## FINDINGS

North and South 24 Parganas, bordering on the exposed Sundarbans delta, are recurrently hit by environmental catastrophes like the cyclones Aila (2009) and Amphan (2020), which have displaced thousands of people. These environmental disasters worsen poverty and weaken social institutions, providing fertile soil for trafficking networks. The collapse of education, local government, and health systems in the regions fits into Shaw and McKay's (1942) Social Disorganization Theory, which holds that crime flourishes in areas where institutional frameworks have collapsed. One typical case from Basanti block is a 13-year-old girl from Aila-hit areas who was promised domestic employment in Kolkata but was trafficked into Sonagachi. She was rescued only after three years with the help of Sanlaap, an NGO operating in the area (Sanlaap, 2021). Her story is an example of how disaster-induced vulnerability, if not addressed by the state, becomes a direct feed into trafficking routes.

With enhanced digital penetration in rural Bengal, traffickers now use social media platforms such as Facebook, WhatsApp, and matrimonial websites for recruitment. Rational Choice Theory, articulated by Cornish and Clarke (1986), explains this transition as traffickers seek methods that maximize profitability and minimize risk. In a chilling case from Canning, a 15-year-old girl was groomed online by a man posing as a recruiter. After weeks of digital manipulation, she was transported through several transit points to Delhi, where she was sold to a brothel. Her identity had been manipulated with the help of fake Aadhaar documents, and it took police and NGO officials months to track her down (GGBK, 2021). The absence of cyber-policing capacity in rural stations enabled traffickers to take advantage of the difference between

enforcement and technology, emphasizing the necessity for cybercrime units and digital literacy for trafficking-prone districts.

Even though vulnerability of North and South 24 Parganas has been recognized, law enforcement intervention continues to be symbolic and reactive. Police operations are often uninformed or misguided, and victims are criminalized by invoking the Immoral Traffic (Prevention) Act, 1956 (ITPA). During a raid on Baruipur in 2019, five women were arrested and booked under sections 7 and 8 of the ITPA, which penalize solicitation. Among them were two children who spent six months in a correction facility prior to being recognized as trafficking victims, owing to persistent lobbying by DMSC (Kotiswaran, 2011). Feminist Criminology decries this punitive measure by revealing how patriarchal norms influence legal systems to blur the distinction between victims and perpetrators. Scheduled Caste and Muslim women are particularly at risk of legal misidentification, further entrenching caste and communal hierarchy through the institutions that are supposed to safeguard them.

Post-rescue circumstances further reinforce the trauma experienced by the survivors. Bengal state-operated shelter homes like the all-girls home in Liluah and the one in Uluberia have commonly been termed punitive spaces without requisite care infrastructure. A 16-year-old girl who was rescued from a brothel and housed in a Liluah home eventually escaped and was re-trafficked to Mumbai. She subsequently testified that there were no mental health services, vocational training, or even hygienic sanitation facilities within the shelter (DMSC, 2020). Judith Herman's (1992) trauma theory is strongly applicable at this juncture, stressing the need for safety, memory, and reconnection for healing. Instead, survivors experience confinement, monitoring, and abandonment, frequently contributing to additional psychological trauma or return into trafficking networks. Lack of trauma-informed care and long-term rehabilitation reproduces systemic cycles of victimization.

Policy-level responses are also marked with critical disjunctures. The Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021 was introduced with the vision of laying down a holistic, victim-centered legislative scheme to address the complex crisis of human trafficking in India. As a substitute for the colonial-era Immoral Traffic (Prevention) Act, 1956, the Bill aimed to extend the ambit of definitions of trafficking, cover new modes like cyber trafficking and organ trade, and bring greater coordination between central and state agencies. In theory, the law represents a substantial improvement—placing care, rehabilitation, and inter-agency coordination above punitive approaches. Yet on the ground, particularly in very vulnerable areas such as North 24 Parganas, the Bill has been plagued by a paucity of implementation, institutional clarity, and localized responsiveness. The inability

to reconcile legislative promise with reality at the grassroots level has left an empty space that traffickers keep filling. One of the essential problems with the 2021 Bill is its top-down design, which gives importance to national agencies and institutions at the expense of local sensitivity. The Bill provides for a three-level structure of national, state, and district anti-trafficking committees, but practically these organizations have not been established or are effectively non-functional in many states. For example, in North 24 Parganas—a district well known to be a trafficking hub owing to its location close to the Bangladesh border and rapid ecological displacement—its District Anti-Human Trafficking Unit (AHTU) was said to be non-operational for more than six months in 2022. Internal reports quoted by local NGOs reported multiple case files pending, not investigated, or lost, and routine monitoring meetings not conducted (Ministry of Women and Child Development, 2021). The consequence is a stark mismatch between legislative intent at the national level and enforcement capability at the local level, and the result is a deadlock that makes even well-conceived policies inefficient. This breakdown in operations is then exacerbated by acute human resource deficiencies. AHTUs throughout much of Bengal, North and South 24 Parganas included, are perennially undermanned, and officers end up being assigned irrelevant work like general law and order maintenance. In addition, personnel posted to anti-trafficking units often do not receive specialized training in victim identification, trauma-informed interviewing, or tracking of cyber-crimes—abilities that are critical considering the changing means of trafficking, particularly through social media and false online job websites. Unsupported by proper training and resources, these units are unable to undertake the preventative and rehabilitative roles envisioned by the Bill.

From a feminist legal point of view, this gap reveals a more profound structural flaw: keeping survivors and grass-root actors away from the process of policy-making. Feminist scholars such as Ratna Kapur and Prabha Kotiswaran have repeatedly contended that anti-trafficking models in India are plagued by a "top-down morality," which installs idealized legal norms without basing them on the everyday lives of survivors (Kapur, 2007; Kotiswaran, 2011). With regard to the 2021 Bill, even when it professed victim-orientedness, the process of drafting it saw very little engagement with survivors' collectives, sex workers' unions, or local NGOs. The outcome is thus a policy design that is disconnected from context—neglecting regional complexities, intersectional vulnerabilities, and cultural specificities. For instance, numerous survivors in North 24 Parganas would like economic reintegration and care by communities, not long-term institutionalization in state-operated shelter homes, which they tend to identify with confinement and observation. Still, the Bill is focused on official institutional rehabilitation centers with minimal room for community-led programs. In a few instances, like the Goranbose Gram Bikash Kendra's (GGBK) rehabilitation work

in Kultali block, peer-based, decentralized models of rehabilitation have been more successful, using local women as educators and monitors. Such models conform to trauma-informed care models and acknowledge the agency of survivors. Yet such models have limited institutional support or funding, reflecting a policy bias in favor of standard, centralized mechanisms rather than organic, localized ones.

Also, the lack of accountability procedures in the Bill further erodes its practical enforceability. Although it suggests establishing a National Anti-Human Trafficking Bureau and advisory boards, it does not put in place clear procedures for redress if there is state inertia, incorrect victim identification, or corruption. In North 24 Parganas, repeated reports of police complicity with traffickers, particularly in border-sharing blocks like Hasnabad and Hingalganj, have emerged. But without legal compulsion to comply or autonomous grievance redress mechanisms, such complicity can too often go unremedied. One of the most disconcerting trends in South 24 Parganas is normalization of trafficking in economically poor villages like Kultali and Baruipur. Trafficking is no longer viewed as criminal but as an intergenerational occupation there. In one reported instance, a girl who had been trafficked at the age of 14 went on to start recruiting other girls in her village at the behest of her previous traffickers. Local residents most times tended to look away, viewing it as a source of income (GGBK, 2021). Social Disorganization Theory comes in handy once more in the explanation of how, where there are no legitimate economic and social institutions, deviant subcultures develop to take their place. Girls are raised with the perception that trafficking is a legitimate means of employment, thereby making things even tougher for legal and rehabilitation interventions. Criminal justice responses not managing these socio-economic causal factors will address only symptoms, not the sickness.

Cross-border trafficking from Bangladesh to India provides yet another dimension. Victims, typically undocumented Bangladeshi girls, are trafficked along riverine networks into West Bengal and then shipped to metropolitan cities such as Delhi and Mumbai. Once in India, these girls often don't have identity documents, or repatriation becomes virtually impossible. A Bangladeshi girl was one of them, spending more than three years in an Indian shelter because she had no papers (UNODC, 2020). Even with bilateral repatriation processes, administrative red tape and ineffective enforcement mechanisms placed her in limbo under the law. Rational Choice Theory explains how traffickers use legal ambiguities to evade responsibility, aware that the stateless condition of victims complicates law enforcement and enhances the traffickers' impunity.

The role of NGOs in antitrafficking work is unavoidable but also fraught with contradictions. While entities such as Sanlaap and DMSC have led rights-based, survivor-

centered interventions—ranging from peer educator models to community watch systems—there are others who take on a more moralistic, top-down approach. In a much-debated NGO rescue in Kolkata, women consenting sex workers were taken against their will and moved into shelter homes, causing legal tussles regarding rights abrogation. Feminist Criminology poses important questions regarding the morality of "rescue" when it violates consent and agency. It is argued by scholars such as Kotiswaran (2011) that the conflation of all sex work with trafficking not only criminalizes survival strategies but also alienates sex workers from protection when they really need it. At the same time, community-based models have been found to be more effective in terms of prevention and rehabilitation, but remain short of money and policy recognition.

A root problem that disables all levels of intervention is the invisibility of trafficking in official statistics. The National Crime Records Bureau (NCRB, 2022) regularly undercounts instances of trafficking or classifies them under other categories such as "missing persons" or "abduction." In one example, a missing girl from Hasnabad who was subsequently identified as a trafficking survivor had her case logged merely as a runaway child. This misclassification conceals the extent and character of trafficking, causing policy malfunction and resource waste. Feminist and critical criminologists argue that statistical concealment is a symptom of institutional denial and political unwillingness to face institutional failure. Without precise, disaggregated, and context-sensitive data, policy effectiveness is unachievable, and trafficking flourishes in the absences of administrative complacency.

Finally, sex trafficking in North and South 24 Parganas is not a singular criminal act but rather an environmental, systemic, and structural crisis fuelled by environmental vulnerability, digital exploitation, patriarchal legal structures, institutional disregard, and manipulation of facts. Using Rational Choice Theory, Social Disorganization Theory, and Feminist Criminology provides a multi-layered perspective with which to comprehend these dynamics. The case studies highlight the extent to which policy disjuncture, enforcement failure, and trauma-insensitive rehabilitation recycle the same conditions that recruitment flourishes in. Absent a fundamental transformation towards community-based, survivor-driven, and structurally transformative responses, the cycle of trafficking will continue to be fastened deep into West Bengal's vulnerable border districts.

## DISCUSSION AND CONCLUSION

The analysis of the paper highlights how structural inequality, environmental vulnerability, gendered oppression, and institutional complicity intersect to perpetuate trafficking in this part of the world. Different theories are used to unpick the socio-political and economic rationalities underpinning

trafficking networks. Rational Choice Theory assisted in unearthing the risk-benefit calculi taken by traffickers, and Social Disorganization Theory helped describe how fractured communities with poor institutions turn into nurseries of exploitation. Feminist Criminology identified the gendered and caste asymmetries that enhance vulnerability among women and girls and offered a strong critique of the punitive bent of the Indian criminal justice system.

The evidence emerging from NGO reports, survivor accounts, and policy analysis shows that existing law enforcement and rehabilitation tools are both failing and misplaced in terms of the needs of victims of trafficking. Victims are often re-traumatized by rescue operations, institutionalization, and criminalization of consensual sex work. Policies for shelter homes, which are commonly regarded as protective space, become themselves spaces of abuse or neglect with no trained personnel, openness, or trauma-informed services. These failures lock survivors into a cycle of vulnerability, in which they are either re-trafficked or socially excluded. These systemic failures indicate the necessity for an urgent shift in paradigms in anti-trafficking interventions.

This paper thus transcends and argues for an inclusive and survivor-led approach based on trauma-informed care, socio-economic rehabilitation, and participatory governance. Policies need to abandon punitive, blanket approaches to trafficking and adopt community-based models of prevention, survivor engagement in decision-making, and structural changes that tackle poverty, displacement, and gender-based discrimination. The success of community organizations such as Sanlaap and DMSC demonstrates the potential of peer-driven and community-based interventions in preventing re-trafficking and supporting survivors. Yet these models are relegated to privilege spaces in formal policy discussions and do not have access to sustainable funding. Trafficking cannot be effectively addressed through legal frameworks alone. While legislation like the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, is a step forward, its operationalization has been uneven and disconnected from ground realities. Effective implementation requires investment in training law enforcement, establishing cross-border repatriation protocols, and building institutional accountability. Furthermore, the conflation of trafficking and sex work needs to be problematized critically; policies need to value the agency of adult sex workers while addressing coercive and exploitative mechanisms. The paper closes the macro-micro divide between policy discourse and lived realities. Through the incorporation of critical criminological theory with localized empirical evidence, the study urges transformative models of justice that put survivor agency, structural transformation, and community resilience at the forefront of anti-trafficking responses. Sex

trafficking in West Bengal is not only an issue of criminal justice—it is an issue of social justice, one involving long-term commitments to equality, dignity, and rights-based governance.

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