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Reforming Rescue: A Critical Examination of India's Anti-Trafficking Legislation from a Victim-Centered Perspective

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Abstract

This article interrogates the legal and linguistic design of India's anti-human trafficking legislation to query whether it is, in fact, victim-centered or rhetorically reformist. Indian Bills of 2021, 2022, and 2023, for example, invoke themes of "comprehensive victim care" but fail to include assurances of enforcement, budgetary allocations, or survivor-driven accountability. The central lacuna this study fills is not if India's laws use the rhetoric of victim protection, but how such rhetoric may cloak coercive state power, moral control, and institutional neglect. Methodologically, the research adopts a qualitative, document-based approach within Alan Bryman's interpretive paradigm. Through the thematic analysis of five key legislative and parliamentary documents, such as the 2013 Lok Sabha Committee Report and anti-trafficking Bills currently under consideration, the research takes into account both what is stated and what is legally or morally implied. In doing so, it allows for an analysis of the ways in which victimhood, agency, and rehabilitation are legal constructions under a bureaucratic and often carceral rationale. Rather than itemizing legal provisions, the focus is on how legal discourse expresses political will, structural silences, and contested visions of care and control. Ultimately, the paper argues that while India's laws mirror international rhetoric, they fall short in operationalizing survivor agency. Comparative reflections with international models and deeper participatory reform remain critical to bridging the gap between symbolic rights and institutional practice.

Keywords

Human trafficking, victim-centric law, India, rehabilitation, feminist legal theory, postcolonial law, qualitative legal analysis, state control, thematic discourse analysis

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Introduction:

Human trafficking is a global human rights crisis affecting over 27 million people across borders and industries. In response, most countries have turned to ever more complex anti-trafficking frameworks rooted in criminal law that focus on deterrence, prosecution, and rescue. However, increasing amounts of scholarship have denounced these models for marginalizing survivors' needs for the sake of state-centered enforcement (Weitzer, 2014; Farrell, Owens, & McDevitt, 2019). These criticisms have helped fuel the development of a victim-centered model, which upholds survivor agency, informed consent, and support over the long term.

However, in the Indian context, anti-trafficking responses have historically been shaped by the Immoral Traffic (Prevention) Act (1956), which views trafficking primarily through the lens of sex work and public morality. This has led to a dominant raid-and-rescue framework—often involving law enforcement-led operations that forcibly remove women from brothels and place them in state custody—regardless of their consent or individual circumstances. This model has been criticized for decades for blurring voluntary prostitution with trafficking, subjecting women to state custody against their will, and prioritizing punishment over rehabilitation (Giammarinaro & Boola, 2018; Tandon, 2018). Despite some efforts at legislative reform—via the Trafficking of Persons Bills of 2016, 2018, 2021, 2022, and 2023—these have been frequently stalled, rejected, or merely replicated earlier enforcement-oriented models in new garb.

This article addresses a specific gap: while India's anti-trafficking bills claim to be victim-centric, there is little analysis of how their language and structure enable state control and moral policing. Existing research critiques outcomes, but few studies examine how legal texts rhetorically promise care while undermining survivor autonomy in practice. It will do so by examining how the language of India's trafficking law projects—or defies—the tenets of the widely accepted globally victim-centric model. Whereas global standards like the Palermo Protocol (2000) and the EU Anti-Trafficking Directive (2011) reinforce non-criminalization, agency of survivors, and rehabilitation in the long term, Indian legislation has been uneven in its adoption of these principles. Despite recurring appeals to the protection and care of victims, Indian anti-trafficking bills tend to maintain provisions regarding custody by the state, mandatory rescue, and rehabilitation against the will of the victim. This essay aims to place India's legislative language and institutional structure in conversation with more abstract theoretical criticism of the ways in which "care" could be working as a mechanism of control, particularly in cases where women's agency is already legally and socially constricted.

What is new about this work is that while the victim-centered paradigm has been internationally celebrated, the extent to which it has been actually incorporated into Indian legal systems remains untheorized. This study not only considers whether or not India has incorporated this paradigm on paper, but also how it has become law. In doing so, it responds more critically to the question of how moral regulation, bureaucratic power, and postcolonial relations of power shape anti-trafficking speak in India.

This research question is: How victim-centric are India's anti-trafficking laws in practice, and what does "victim-centric" actually mean in law and institutions? Rather than assuming failure, this research will investigate the construction of victimhood within Indian law and how this impacts survivors' agency, especially women sex workers. Does the law leave space for self-determination, or does it naturalize control in the guise of care?

Drawing on qualitative, document-based analysis, this article analyzes five key legal documents: the 2013 Lok Sabha Committee Report, the 2018 parliamentary debate, and the 2021, 2022, and 2023 Bills.

Drawing on postcolonial and feminist legal scholarship, notably the work of notably the work of Upendra Baxi (2000), Ratna Kapur (2007), and Catherine MacKinnon (1989), the article performs thematic analysis of legislative discourse in order to assess whether India's emergent legal regime really puts at the center the voices, needs, and rights of trafficking survivors.

This article finds that India's anti-trafficking law, although increasingly orienting towards the discourse of "victim-centricity," instrumentalizes care rhetorically rather than as a material entitlement. The collapsing of boundaries between sex work and trafficking erases women's agency and reinforces moral regulation. Bureaucratic centralism shuts out survivor voices from enforcement and rehabilitation processes, and the law's assurances of care are structurally under-funded and unevenly applied. This study, in a four-step argument, demonstrates how the legislative model naturalizes state regulation in the interest of protection, hence raising grave questions about what "victim-centric" means in practice.

Literature Review: Victim-Centered Approach Towards Human Trafficking

Existing Approaches to Human Trafficking

Historically, human trafficking has been addressed by punitive state mechanisms, with a bias towards criminal justice remedies rather than victim care. Traditional anti-trafficking interventions, particularly in India, have involved raid-and-rescue operations that typically place victims in state-operated rehabilitation centers, at times against their will, rather than initiating long-term rehabilitation (Walters & Ramachandran, 2018). This practice has been criticized for failing to address the trauma that victims have endured and for reinforcing structural vulnerabilities rather than challenging the root causes of trafficking (Sangram, 2018; Tandon, 2018).

The Immoral Traffic (Prevention) Act (ITPA), India's primary anti-trafficking legislation, passed in 1956, has been the subject of widespread criticism for associating trafficking with consensual sex work, inadvertently doing harm to the very same identities that it has aimed to safeguard. The system is more inclined to prosecute than assist victims and is not able to differentiate between voluntarily and involuntarily trafficked (Giammarinaro & Boola, 2018; Tandon, 2018). In addition, India's rehabilitation centers have come under the spotlight for abuse, neglect, and human rights violations, further traumatising the victims rather than rehabilitating them back into society (Walters & Ramachandran, 2018).

This same phenomenon is seen with the global practice of law enforcement. In America, for instance, victims of trafficking used to be treated as criminals, arrested on charges of prostitution rather than being considered victims of coercion (Weitzer, 2014; Farrell et al., 2019). This practice discouraged victims from reporting to law enforcement and cooperating with investigations, which ultimately made it difficult for prosecutors to prosecute traffickers (RAND, 2023).

Emergence of the Victim-Centric Approach

Early on, aware of the failure of a traditional model, the globe has begun evolving towards a victim-centered model. Such a model prioritizes victims' rights, emphasizing trauma-informed care, legal redress, and socio-economic rehabilitation (RAND, 2023). A victim-centered model recognizes that trafficking victims must be treated as survivors, not offenders, and law enforcement must shift its focus from prosecution to well-being for victims. The strategy, according to Farrell et al. (2019), is victim identification by using trauma-informed screening, continuous support, and ensuring survivors are in charge of their process of recovery. Weitzer (2014) adds that the existing anti-trafficking measures have not been effective as they do not address survivors' psychological and social needs—needs that a victim-led model attempts to fulfill. The United States Department of Homeland Security (DHS) has adopted this victim-centered model, accepting that counter-trafficking efforts must be guided by law enforcement's recognition of signs of trauma, avoid re-traumatizing victims, and build trust with victims (RAND, 2023).

Apart from the U.S., other jurisdictions have successfully implemented victim-centered models. Sweden's Nordic Model criminalizes the selling of sex but not the purchase of it, a strategy to reduce demand for trafficking that does not victimize victims; studies have shown increased access to support services and reduced exploitation (Ekberg, 2004). Canada's Protection of Communities and Exploited Persons Act (2014) focuses on exit strategies and community support, and this has led to increased cooperation of victims of trafficking in legal processes (Perrin, 2010). In New Zealand, the Prostitution Reform Act of 2003 legalized prostitution and mandated safe working conditions, making it possible to more accurately identify cases of trafficking with non-coercive outreach. Similarly, the Netherlands has combined legalization with labor standards and victim support systems, resulting in more honest reporting of trafficking and increased survivor confidence in law enforcement (Weitzer, 2014). These examples demonstrate how, on the basis of survivor agency and non-criminalization, anti-trafficking efforts can be strengthened by improving victim outcomes, legal cooperation, and public health.

Understanding the Victim-Centric Approach to Trafficking

The victim-centered approach to human trafficking relies on the understanding that survivors should be acknowledged as rights-bearing individuals, instead of objects to rescue or facts to prosecute. The victim-centered approach focuses on trauma-informed care, legal empowerment, and social reintegration in the long term, while explicitly avoiding further harm, criminalization, or coerced institutionalization. Rather than seeking to prosecute traffickers primarily, the victim-centered approach strives to restore survivors' agency, dignity, and decision-making power.

This policy has come to be adhered to increasingly in transnational regimes and legal systems. The Palermo Protocol of the United Nations (2000) appeals to governments to provide protection, access to legal aid, medical care, and safe shelter for victims, while actively discouraging punitive treatment or imprisonment ([UNODC, 2000](#)). The European Union Directive on Preventing and Combating Trafficking in Human Beings (2011), echoes this commitment by mandating member states to provide non-criminalization and full assistance to victims, including legal aid, shelter, and rehabilitation services ([European Commission, 2011](#)).

Sweden and Canada have gone a step ahead by applying victim-centered principle-based national laws. Sweden's Nordic Model, for instance, legalizes the selling or exploitation of sex but criminalizes its purchase, hence aiming to reduce demand for trafficking without prosecuting sex workers (Ekberg, 2004). Canada's Protection of Communities and Exploited Persons Act (2014) similarly aims at establishing exit pathways and support systems for traffickers rather than imprisoning them ([Perrin, 2010](#)). Evaluations of these models have documented improved coordination among survivors, improved access to healthcare and shelter, and reduced stigma in judicial proceedings ([Farrell et al., 2019](#)).

This greater international awareness of victim agency and trauma sensitivity is a radical departure from the practice of fighting trafficking. These models differ widely from enforcement-oriented or "raid-and-rescue" regimes, with the focus remaining on criminal justice outcomes rather than survivor well-being.

Human Trafficking in India and Legal Framework

The Criminal Law (Amendment) Act, 2013, introduced serious changes to India's legal framework, primarily replacing Section 370 of the Indian Penal Code in order to legally criminalize sexual exploitation, slavery, and forced organ removal. The amendment widened the definition of trafficking and introduced penalties ranging from seven years to life imprisonment.

Despite these reforms, India's law continues to be state-controlled rescue and detention as opposed to survivor-focused rehabilitation. The 2016 Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill was heavily criticized for lacking a human rights perspective, with restrictive institutionalization, and not ensuring informed consent from the victims before legal action ([Anti-Slavery International, 2017](#)). These issues indicate an existing trend toward control, in contrast to empowerment.

Of most concern is the blurring of the distinction between consensual sex work and trafficking under the ITPA, which creates all sex work to be exploitative. Blurring is not merely semantic—such blurring has consequences: it enables law enforcers to arrest sex workers on anti-trafficking laws, with no regard to consent or coercion. According to [Sanghera \(2015\)](#), it has led to the criminalization and stigmatization of sex workers, once again putting them on the margins and making them more vulnerable to exploitation and state violence. The model fails the victim-centered test as it deprives individuals of autonomy over defining their own experience and puts them into a system that is more concerned with moral policing rather than restorative justice.

Moreover, trafficked survivors still lack full access to healthcare, legal assistance, and economic empowerment opportunities. Without well-working, community-oriented rehabilitation channels, the majority remain trapped in the vicious cycle of poverty or are coerced back into exploitative practices ([Tandon, 2018](#)). Scholars increasingly advocate for a nuanced legal distinction between voluntary sex work and coercive trafficking, urging legislators to protect the rights of sex workers while targeting real traffickers ([Sanghera, 2015](#)).

These comments raise a final critical question:

Has the shift toward protectionist models in international law—such as in Sweden, Canada, and New Zealand—left anything other than an enduring mark on Indian lawmakers' conception and drafting of anti-trafficking law?

This article shall explore whether India's legislative evolution is compliant with these international standards or yet continuing with control-based models in the name of protection.

Methodology

1. Research Question

This study will answer the research query: How victim-focused are India's anti-trafficking laws, and to what extent do they participate in the intertwined interaction of legal protection, rehabilitation, and public morality, especially in

the case of sex work? This query arises from evidenced inconsistencies in a number of legislative documents and debates, in which rehabilitation is usually underfunded or dependent, and in which trafficking is often mixed up with sex work. The aim is to critically examine these laws from the survivor rather than the state and to undermine the power relations contained in the law language, implementation machinery, and the overall moral discourse.

2. Research Method

The study is qualitative in nature, based on an examination of official legal documents, parliamentary discussions, and bill papers through thematic and interpretive methods. Drawn from Alan Bryman's qualitative research guidelines, and more narrowly thematic content analysis (Bryman, 2012), this method is suitable to uncover both expressed legal accounts and implicit ideological trends. It enables the researcher not only to identify what is said in law, but also what is implied, like legal silences, structural biases, and internalized moral presumption. Specifically, qualitative content analysis discloses the familiar themes and discursive twists between and through various legislative documents, demonstrating how legal documents construct victimhood, agency, and meaning in trafficking. This interpretive process avoids description and instead challenges legal intention, political motive, and the institutional power embedded in the architecture and lexicon of the law.

Instead of tabulating provisions, the research inquires: What is highlighted? What is left out? And what do such decisions tell us about India's changing position on trafficking and prostitution? A document-based methodology also allows systematic comparison across time, demonstrating how India's anti-trafficking law has developed over political cycles and legal drafts.

3. Data Sources and Sampling

The research excavates five major primary sources that have played a significant role in shaping India's anti-trafficking context. The sources were selected because of their political and legal importance and are a mix of government, parliamentary, and civil society perspectives:

Table 1: Key Influences for Anti-trafficking Laws in India

Document	Context and Summary	Action Taken / Relevance
Lok Sabha Committee Report on Empowerment of Women (2013)	A key parliamentary report examining institutional failures in addressing sexual violence and trafficking, with a focus on the underfunding and mismanagement of rehabilitation schemes like Ujjawala and Swadhar.	Offers a baseline critique of state-led victim care. Frames the institutional deficiencies this paper explores in later laws.
Lok Sabha Debate on the Trafficking of Persons Bill (2018)	The 2018 Bill was passed in the Lok Sabha but failed to clear the Rajya Sabha, and therefore did not become law. The debate includes significant criticism—particularly from MP Shashi Tharoor—regarding the conflation of sex work and trafficking, lack of survivor consent, and carceral overreach.	Serves as a rich source of ideological conflict within Indian anti-trafficking policy. Illustrates tensions between rights-based and enforcement-driven paradigms.
Draft Trafficking in Persons Bill (2021)	Published by the Ministry of Women & Child Development in June 2021, widens the Bill's scope to cross-border cases, includes transgenders in the "victim" definition, and assigns the NIA as the lead investigatory agency.	Remains under consideration; pending cabinet review.
Trafficking of Persons Bill (2022)	Introduced in Rajya Sabha on 5 August 2022 by Dr. Sasmit Patra (Rajya Sabha Bulletin). Sought to centralize anti-trafficking efforts by placing enforcement under a specialized authority	Currently under discussion; not yet passed

	and specifying victim compensation provisions. However, it attracted criticism for reinforcing a top-down, criminal-led lens with limited focus on rehabilitation frameworks and survivor agency.	
Human Trafficking (Prevention and Control) Bill (2023)	The latest bill introduced in the Lok Sabha aims to centralize prevention and expand institutional control. Criticized for lacking survivor representation, budgetary clarity, and robust interstate mechanisms.	Illustrates persistence of enforcement-first models. Serves as a current touchpoint for evaluating whether legal evolution has embraced victim-centricity or continued paternalism.

4. Analytical Framework

The research analysis adopted in this paper follows a holistic three-stage process. First, thematic coding was used to identify the shared themes within each document. These included victimhood, rehabilitation, sex work, law enforcement, morality, and resource allocation. The coding focused on whether the survivor's voice was absent or present and how the discourse of law positioned victims in relation to the state and legal institutions.

Second, critical interpretation was employed to examine how the themes were framed. The analysis assessed whether survivors were constructed as passive dependents who needed to be rescued, or as rights-bearing individuals capable of representing themselves. Special attention was given to how sex work was handled—whether pathologized, moralized, or framed in terms of labor rights—and how responsibility for rehabilitation or justice was distributed between institutional actors.

Third, comparative analysis was employed to chart across time in the five most significant documents. This involved assessing how the subject of victim-centricity evolved: whether survivor-positive provisions such as access to rehabilitation without prosecution or protection from prosecution were enriched, diminished, or forgotten in subsequent drafts. The comparison allowed the research to measure the level of coherence (or lack thereof) in India's commitment to putting survivor priorities at the center of its anti-trafficking laws.

5. Ethical Issues and Constraints

This study is based solely on publicly available parliamentary and legal records. It is not grounded in interviews or face-to-face communication with survivors or NGOs, which reduces ethical risks but also limits. Because the analysis is situated in how the state discusses victim-centricity—specifically, not how survivors themselves experience it—the study must be read as a critique of law as discourse, rather than law as lived practice.

This methodology allows for a critical and systematic analysis of India's anti-trafficking laws using a framework based on survivor agency, institutional accountability, and the politics of legal discourse. Through the analysis of documents across different years and institutional forms, the study tries to reveal the moral boundaries, administrative contradictions, and legislative choices that make up the meaning and deployment of "victim-centricity" in India.

Analysis and Discussion

This section conducts a critical legal inquiry into India's anti-trafficking regime through a close reading of legislative texts and debates between 2013–2023. It aims to answer three core questions:

1. How is "victim-centricity" constructed in Indian anti-trafficking law?
2. How does this construction impact survivors' agency, especially women sex workers?
3. Does the law create room for self-determination, or does it naturalize control in the name of care?

Drawing on feminist and postcolonial theory, each of these four subsections addresses one or more of the above questions. Thematic insights are organized into four interwoven strands:

- The collapse of sex work and trafficking,
- The enforcement machinery and survivor exclusion,
- Structural implementation gaps in service delivery, and
- The performative use of “victim-centric” language.

Together, these subsections show that despite rhetorical shifts, India’s legal framework often reinforces carceral responses over rights-based care, frequently silencing the very voices it claims to protect.

1. Intertwined with Trafficking: Sex Work and Moral Regulation

One of the most persistent and frustrating elements of India's anti-trafficking legislation is its failure to distinguish between coerced trafficking and voluntary prostitution.

This fusion is not merely interpretive—it is embedded in statutory language. Thus, the 2021 and 2022 Bills define trafficking in general terms, including “soliciting or recruiting a person for the purpose of exploitation” without positively stating the existence or nonexistence of coercion. In Section 2(e) of the 2023 Bill, “sexual exploitation” is included as a form of trafficking but without making a distinction between consensual paid sex work and coercion in prostitution, thereby leaving it open to enforcement agencies’ interpretive overreach. In the 2018 Lok Sabha debate, MP Shashi Tharoor clearly criticises this, warning that the bill “risks criminalising those it intends to protect by refusing to make a distinction between voluntary sex work and trafficking” ([Lok Sabha Debates, 2018, p. 84](#)). Despite this intervention, the [2023 Bill](#) keeps the same broad definition, demonstrating legislative hesitation to legitimise sex work as labour.

This legislative approach diagrammatically illustrates what [Ratna Kapur \(2007\)](#) theorizes as “erotic justice”—a logic of law which builds the female sexuality as always vulnerable and in need of being protected by the state.

By collapsing voluntary and coerced sex into a single legal category, the law denominates all sex work as evidence of victimhood. The result is not protection, but the repression of agency: the woman is not asked whether or not she consented, because the law already assumes she could not have. The language of law, instead of making empowerment possible, turns into a means of moral control. This analysis shows how moral rhetoric and statutory vagueness work together to exclude sex workers’ voices and choices and turn the promise of protection into a machinery of discipline and surveillance. Beyond this, postcolonial theory clarifies how the state generally situates itself as a disciplinary father figure for “innocent” women, generally imagined as poor, rural, illiterate, and unaware of their own exploitation.

This can be noted in the words of the 2021 Draft Bill, where it states that “any person rescued shall be produced before the Magistrate for placement in a protective home or rehabilitation centre” and the 2023 Bill, where institutionalization is allowed even “without the consent of the victim, if necessary for their protection” ([Ministry of Women and Child Development, 2021; 2022](#)). Such provisions state an assumption concerning the law that the state knows best, better than anybody else, including the victim herself, what is in her best interests. This formulation echoes what Chandra [Mohanty \(1988\)](#) and Lila Abu-Lughod (2002) identify as neo-colonial gender logic—a legal and cultural presumption that places women in non-Western or subaltern spaces as inherently vulnerable, passive, and in need of external salvation.

Mohanty faults the way colonial and development modern discourse universalizes “Third World women” on the premise of victimhood and denies them agency. Protection, in this understanding, becomes tantamount to discipline and detention, particularly through raid-and-rescue models, which have been highly criticized for retraumatizing victims and subjecting them to state-run shelters without real autonomy ([Sangram, 2018](#)).

2. One World of Policy: Ground for Operational Freedom?

The second constitutional contradiction lies in the enforcement system. Despite repeated emphasis on rehabilitation at the community level and survivors’ welfare, legislations focus on anti-trafficking activities in national bureaucracies. For instance, Clause 37 of the 2022 Trafficking in Persons (Prevention, Care and Rehabilitation) Bill establishes a National Anti-Human Trafficking Bureau for “coordination, surveillance, and investigation” across

jurisdictions. Similarly, Clause 42 of the 2023 Human Trafficking (Prevention and Control) Bill has included a Central Anti-Trafficking Committee, which is intended to monitor all state-level efforts (Government of India, 2022; 2023). These organizations are designed for monitoring, coordination, and enforcement, but have little room for survivor participation or local governance institutions. Survivors or local organizations are not statutorily required to be represented within these central institutions. Shashi Tharoor stated, in the 2018 Lok Sabha debate, that these centralized processes will "only reproduce pre-existing dysfunctions" if decentralized, participatory mechanisms are not included ([Lok Sabha Debates, 2018, p. 85](#)).

This legislative framework reflects Catherine MacKinnon's (1989) criticism of liberal legalism, that instead of being a neutral guarantor of justice, the state becomes a reproducer of hierarchical relationships of power. The framework of commissions runs from the top and with an absence of internal accountability to survivors, renders them objects of protection and not agents of justice.

The absence of any legislative promise to deliver representation for survivors in policymaking platforms is particularly insightful. In spite of continuous demands by civil society organizations and survivor groups for advisory roles (e.g., in the submissions made by them to the [Ministry of Women and Child Development during the public hearing of the 2021 Bill](#)), none of the Bills tabled since 2021 promise this requirement.

3. Between Legal Provisions and Structural Implementation Gaps

The 2021, 2022, and 2023 legislative texts uniformly reflect a concern for victim well-being. These include language on providing legal aid, compensation, health care, education, and housing, sometimes bundled under the moniker of "comprehensive victim care." For instance, Clause 18 of the 2022 Bill guarantees medical and psychological treatment, legal aid, and education; the 2023 Bill, similarly, speaks about protection, rehabilitation, and reintegration programs.^[1] These assurances are repeatedly breached by structural and fiscal failure, since none of the Bills hold budgetary guarantees, enforcement timelines, or monitoring provisions to guarantee service delivery. The [Lok Sabha Committee Report on Empowerment of Women \(2013\), Paragraphs 2.39 to 2.44](#), gives a detailed critique of the rehabilitation schemes like Ujjawala and Swadhar and how they are handled by the government.

The schemes were underfunded, poorly monitored, and staffed with untrained personnel. The report noted that the majority of the victims were housed in overcrowded shelters with little autonomy and mobility, and, in certain cases, subjected to state-sponsored coercion and compulsory institutionalization in the guise of care.^[2] Here, [Upendra Baxi's \(2000\)](#) theory of the "administrative management of rights" becomes vital. Baxi argues that postcolonial states often recognize rights symbolically while denying them operationally through bureaucratic bottlenecks, funding gaps, and overlapping jurisdictions. The Indian anti-trafficking framework mirrors this dynamic. Although the 2023 Bill uses reformist rhetoric about "dignity and care," it contains no enforceable deadlines, no fiscal allocations, and no independent grievance mechanisms, thus reducing rights to aspirations on paper.

Besides, the 2021 Draft Bill also includes a condition of conviction as a prerequisite for the granting of compensation (Clause 24), which delays relief and deters survivors from pursuing lengthy legal proceedings. The provision has been questioned by various civil society submissions on placing the responsibility of justice on the victim, rather than allowing the circulation of reparations.

The result is a system where there are rights in the text but not in the institution, consolidating a model of care that is performative and not protective.

4. Victim-Centric Language as Performative Rhetoric

The fourth and most objectionable of these areas is the deployment of victim-centric language as a cover for paternalism and penalization. Across all reports, the phrase "victim-centric" repeatedly appears; however, upon scrutiny, it becomes evident that the implementation of such an approach is shallow and tactical in practice, designed more to pose progressive intention than to change care systems. In the Draft Bill of 2021, for instance, "victim-centricity" is referenced in the presence of a prohibition against payment before conviction and a lack of survivor governance mechanisms. The 2022 and 2023 Bills both include preambles with "dignity and rehabilitation," but continue to sanction coercive rescue and detention without survivors' consent. This rhetorical move is consistent with MacKinnon's (1989) "rhetorical victimhood"—victims are spoken for, but never speak for themselves. They are constructed as passive, victimized bodies, rather than active agents of rights and resistance. This construction not only takes away survivor agency but also closes off possibilities of structural transformation.

It is critical that the performative deployment of this vocabulary also functions as international signaling. By invoking "victim-centric" models in policy and international forums, the Indian state can pose as a human rights leader while continuing to exercise carceral control within the country.

Conclusion

In conclusion, it can be argued that there is a profound disconnect between the semiotics of victim-centricity in Indian anti-trafficking law and its substantive realization. Until this disconnection is remapped through concrete legal reform, clear budgetary commitments, and participatory policy approaches, "victim-centricity" will remain a rhetorical device—one that often conceals surveillance as care.

This analysis demonstrates how Indian anti-trafficking legislation—regardless of shifting vocabulary—remains rooted in moral panic, bureaucratic centralism, and symbolic sympathy. Survivors are not positioned as stakeholders, sex workers are criminalized through conflated definitions, and community-based voices are consistently sidelined.

In contrast, countries such as Sweden, Canada, and New Zealand have adopted victim-centered approaches that prioritize survivor autonomy, informed consent, and holistic rehabilitation, including medical, legal, and social support. Sweden's Nordic model, for instance, criminalizes exploiters while decriminalizing those trafficked, allowing victims to access support without fear of prosecution. Canada's Protection of Communities and Exploited Persons Act offers exit strategies and social services while acknowledging the structural roots of trafficking.

India's framework—beyond various efforts at legislation—continues in its work to enhance state custody and criminal-driven interventions, and not uncommonly, regards victims as passive recipients of state intervention rather than as agents of recovery. The absence of robust survivor engagement and rehabilitative infrastructure places India out of sync with evolving global standards. Based on this analysis, future rounds of reforms must prioritize enforceable guarantees of care for victims, provide an independent grievance redressal mechanism, and decouple compensation from criminal conviction. Furthermore, survivor involvement must be institutionalized—not tokenized—by being incorporated in policy making and tracking. It is a necessity for studies to also move beyond legislative analysis to lived experience. This could be achieved via interviews with NGOs, social workers, and survivors to more deeply understand the real-life effects of legislation. Additionally, cross-regional comparisons with Southeast Asia and Latin America may also offer a clearer understanding of the potential of rights-based, participatory models that put survivors at the forefront not only in rhetoric but in law and practice.

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