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**Human Trafficking, Women, and Human Rights Violation in the context of the Courtesan of Lucknow : Umrao Jan Ada**

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**Abstract:** *Human trafficking is one of the most disgusting forms of human rights abuses. This is the perversion of society in which humans do the trade of humans. It is a worrisome situation for all human beings in general, but it is worst for women in particular. Women are already victims of oppression, harassment, and subjugation. Their various human rights are exploited in human trade like right to life, liberty, equality, socio-economic rights etc. They are used for bonded labour, physical exploitation, sexual slavery, cheap labour, forced marriage etc. In this article, a very poignant portrayal of a girl from an elite family to reach a brothel through human trafficking has been given. In the novel 'Umrao Jan Ada' written by Mirza Hadi Ruswa, It is described how Ameera becomes Umrao Jan. Not only her human rights violated, but she has never been able to return to civilized society. It is ironic that women continue to be exploited despite continuous efforts by the government to stop human trafficking and religion to give special place and respect to women.*

**Key words:** Human Trafficking, worrisome situation, victims of oppression, right to life, subjugation

**Introduction-** Human rights are the basic rights and freedoms that every person should get in this world so that they can lead a dignified life. Human rights include the right to life, liberty, equality and the right not be tortured or subjected to cruel, inhuman or degrading treatment, and the right not to engage in slavery, forced labour, and sexual discrimination. Human trafficking is openly a violation of human rights. Women are already victims of oppression and harassment, human trafficking makes their lives miserable. Women's rights are one of the central subjects of all international regimes on human rights. It is a disgusting process of human trade, under which human beings are traded by humans. It aims to trade people for bonded labour, sexual slavery, forced marriage, cheap labour, stealing human organs etc. Human trafficking involves the trade of people, especially women and children. It is a crime against the individual as it is a violation of the rights of the victims through coercion and their commercial exploitation as it is not justified from anywhere. Trafficked people are caught through acts of coercion against their will and forced to provide services to trafficked people or others.

Although, both men and women are traded in human trafficking but the women suffer the most. Women's trade is always for the purpose of sexual exploitation, labour exploitation, for performing household chores, and also for selling their organs. Women generally do not take any kind of intoxicant, so the demand for their organs is high. In this male dominated society women are traded for the entertainment of men and also for the fulfillment of their sexual desires. According to Aristotle, "The relationship between men and women is that of superior and inferior, one dominates and other dominated. This is because women do not have a naturally dominating element."<sup>1</sup> Even thinkers like John Locke and Jean Jacques Rousseau advocated an inferior status for women in relation with men. These ideas have been founded on the fact that biologically women are weaker than men. These were further nurtured by the power groups leading to the failure of the society's legal system to protect women fully from discrimination. The distribution of power and the devices of control in the political systems are in favour of men as they predominate in the powerful political and economic spheres. Thus, the slow enforcement of anti discriminatory laws is the consequence of institutional sexism in the political system perpetuated by the biological differences.<sup>2</sup> Women constitute half of the population, but they have remained weaker section of the society. They have faced severe jolts to their human rights irrespective of the social, political, economic and national systems adopted by a government. They have faced prosecutions, rape, torture and discriminations, sometimes over the rigid values and traditions and sometimes over the state- sponsored legal laws. "The existing law on rape, Section 375 of the Indian Penal Code, recognizes only penetration of the vagina by the penis as rape. All other forms of sexual assault are considered as lesser crimes, deserving of a smaller quantum of punishment."<sup>3</sup>



The International Labour Organization claims that “Forced labour in the sex industry affects 4.5 million people worldwide. Most victims find themselves in coercive or abusive situations from which escape is both difficult and dangerous. Trafficking for sexual exploitation was formerly thought of as the organized movement of people, usually women, between countries and within countries for sex work with the use of physical coercion, deception and bondage through forced debt”.<sup>4</sup>

About a hundred years ago in 1899, a novel named “Umrao Jan Ada” written by Mirza Hadi Ruswa describes that how human trafficking violates the human rights of women. ‘Ameeran’ was born in a modest family in Faizabad. Her father was jamadar at the Nawab Sahib’s place and was a servant at the tomb of Bahu Begum Sahib. According to Ameeran, “What is the use of showing my fame by taking the name of father and grandfather and the truth is that I don’t remember yes, I do know that my house was in Faizabad, in a locality on the city. My house was paved.”<sup>5</sup> Despite being a member of prosperous and respected family, the incident of human trade happened with Ameeran and changed her whole life.

Dilawar Khan, who was a resident of her locality and was not a good person, was associated with dacoits. Ameeran’s father testified against him in the court. To avenge this, Dilawar Khan kidnapped her and sold to a brothel. Now a girl named Ameeran became a courtesan named ‘Umrao Jan’. Khanum, the owner of the brothel, bought Umrao and made her learn to dance and sing. She was still young but she knew that she would have to be like this for the rest of her life. According to Umrao Jan, “Mr. Mirza Ruswa! understand which market it was, this was the market where there was the shop selling my respect means chowk and this was the house where I got all the humiliation, respect, notoriety, good name, defame, fame in the world. Means the door of Khanum Jan’s house was open. There was a ladder not far away, climbed the ladder.”<sup>6</sup> Human Trafficking Violates the Human Rights of Women

**Violation of Right to Life-** Human trafficking violates woman’s right to life. Once caught in its trap, women lead a hellish life for the rest of their lives. They can’t make their own decision in life. Right to life is undoubtedly the most fundamental of all rights and all other rights add quality to life and depend on the pre-existence of life itself for their operation. When Umrao Jan was sold to Khanum’s brothel, she realized that her life is no longer her.

“Even though I was very young, but as soon as I came to Khanum’s house, my heart was full that now I have to stay here for the rest of my life. Just like a newly married bride going to her in-laws house understands that I have not come here for a day or two but to die, I was in the same condition. On the way, the dacoits harassed me so much that Khanum’s house was like a heaven for me. I had thought it absolutely impossible to meet my parents, and the thing which is considered impossible does not have any desire left. Although, Faizabad is only 40 kms from Lucknow but at that time it seemed so far away.”<sup>7</sup>

Every person’s life is priceless, it is the responsibility of the country and the law to protect it. Human trade can never be considered fair and it is the responsibility of the government to stop it. Like Umrao Jan, many girls are forced to live a hellish life because of this. The famous political thinker Thomas Hobbes gave a very important place to the right to life. So, no human being has any right by himself to take human life on this earth. It can be decided only by a proper and competent court of law. Any destruction of human life in itself has been prohibited.

The state has included the right to life as fundamental right in the constitution. Article 21 of the constitution explains it. Both men and women get this right equally. Right to life is an inalienable right granted to every person. Right to life is the most fundamental of all rights and every person has the right to his own life. According to the article 21 of Indian constitution, “no person shall be deprived of his life or personal liberty except according to procedure established by law.”<sup>8</sup>

**Violation of Right to Freedom-** Human trade is an infringement of the right to freedom. Everyone has the right to freedom of thought, conscious, religion or belief. Freedom is the most sacred and inalienable right that should be enjoyed by all human beings. It is the power to act according to their will. But through human trade a man is forced to work against his will. When Umrao Jan is abducted by Dilawar Khan and Pir Bakhsh, she tries her best to free herself. But she can’t escape from their clutches. According to Umrao Jan-





"You have heard about the condition of the first night of the arrest. Oh! I will never forget that helplessness till the day I die and I wonder why I survived. How hard was my life that I didn't die...what would have happened to my parents, how would they be crying for me."<sup>9</sup>

By forcefully imprisoning a person, his freedom is taken away as it is well expressed in these lines in 'Umrao Jan Ada' novel-

"De parakhne ki ijazat saiyad  
Shabe awwal hai giraftari ki"<sup>10</sup>

It means 'hunter let me flutter it's the first night of the arrest'. How unfortunate is it for a person's life to be deprived of his freedom. Freedom includes various rights of an individual such as the right of expression, the right to property, the right to travel, the right to self-identity, etc. The state has included the right to freedom as fundamental right in the constitution. Article 19-22 of the constitution explains this. Both men and women get this right equally.

**Violation of right to Equality-** Right to equality provides for equal treatment of all before the law. Human trade is against the right to equality. Although, all human beings are equal and they are the descendants of one father and one mother. The superiority of human beings is only based on high morals and purity of character and not based on sex, colour, caste, race, language, area, etc. But the trade of mankind by human beings is very abominable. Indian constitution has granted the right to equality. There should be no discrimination on the basis of gender. All persons within territory of India should be treated equal, no matter whether they are male or female. Right to equality means absence of legal discrimination between citizens. Umrao Jan had to face discrimination by the people of the society without any fault. The heart-wrenching interpretation is given in the novel.

"Man- yesterday you went to 'mujra'. It was said so sharply that I hesitated.

I (Umrao Jan) - 'yes' having said this, when I looked at his face, it seemed as if blood was dripping from his eyes.

Man- you made the family proud.

I - (now understand who this person is) Only God knows this.

Man- I thought you were dead but you are still alive.

I - life was disrespectful, didn't die. God may give death soon.

Man- surely death was a million times better than this life. You had to die by drowning in a handful of water. You should have eaten something and died."<sup>11</sup>

The above things tell that even without doing anything a person has to suffer the punishment. Had Umrao Jan not been kidnapped and sold in a brothel in her childhood, she would not have to hear such discriminatory and harsh words today. The human trafficking incident ruined Umrao Jan's life.

**Violation of Women's right to Chastity-** Women's right to chastity is an important human right granted by every country and religion to respect the chastity of the woman under all circumstances, whether she belongs to our nation or another, whether we find her in the wild forest or the conquered city, whether she is our co-religionist or belongs to other religion or has no religion at all. We must respect and honour women everywhere and all the time. Women are the companion of men and the existence of this world is in the cooperation of both of them. According to holy Quran, "And do not go close to fornication. It is indeed a shameful act and an evil way."<sup>12</sup> The famous text of Hinduism, Manusmriti states that "Ytara naryastu pujyante ramante tatra Devata"<sup>13</sup> which means 'where women are honoured, divinity blossoms there'.

The novel Umrao Jan Ada tries to show from a gender point of view how the phenomenon of human trafficking questions the chastity of women. It is clearly evident from the words of Umrao Jan that there is no respect for her and women like her.

"Mr. Mirza, you may not understand this phrase. This means that when a courtesan becomes old and lives in someone's house, then experienced spectators say about her that 'us randi ne kafan ka chonga kiya' or took the shroud while dying, means she saved the cost of her shroud and fraudulently put the burden of the last rites on the onlooker. This example gives evidence of the extremely selfish, greed, and deceit of



courtesans. Suppose that I really got hold of the truth and am very righteous now but who knows it except God. No one can believe in my goodness.”<sup>14</sup>

**Violation of Socio-Economic Rights-** Socio-Economic rights are those rights which ensure the economic, social, and cultural security of the people. Socio-economic rights are protected by the government to ensure fulfillment of basic needs like livelihood, housing, education, health, employment, and to take part in cultural life. Mirza Ruswa has shown in his novel that a courtesan does not even have socio-economic rights. Human trade has made Umrao Jan a ‘tawaif’ and she has been deprived of her socio-economic rights.

“Faiz Ali came at night as usual. I am in the room and he is. As soon as he came, he said that I am going out today and will come the day after tomorrow. Umrao Jan, don’t show what I have given you, neither to Bua Hussaini nor to Khanum. All this will be useful to you in future. I will definitely come the day after tomorrow. Tell me can you go out with me for a few days.

I (Umrao Jan) – you know I am not free. It is in the authority of Khanum Sahab, you tell her, if she agrees then I have no problem.....Meanwhile Bua Hussaini came and gave a clear answer that it is not possible for her to go out.”<sup>15</sup>

**Violation of the right of Basic Standard of Life-** Basic standard life is the right of all humanity. It includes in the ‘Universal Declaration of Human Rights’. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.”<sup>16</sup> It is also said in all religions that the needy person must be helped. Either man or woman, who is suffering and deprived, has the right to basic standard of life. Every woman should have the right to basic standard of living with adequate supply of nutritious food, clean water, housing etc. Supreme Court approved that right to life included the right to live a healthy life. It would include the right to protect a person’s culture, tradition and all that gives meaning to a person’s life. It is fundamental right of human being to live with human dignity and care.

Human trade is such an abominable act that takes away the basic standard of life from human beings. Mentioning in his novel, Mirza Ruswa writes that women who are pushed into the profession of courtesan, their life becomes inhumane as they grow old. “As long as she had everything good, she was taken care of and both husband and wife coaxed and ate. Kicked her out when it was all over. Who asks now? She is stumbling through the streets now”<sup>17</sup>

Thus, it is clear that human trafficking is a violation of human rights; it makes life of human beings hellish specifically the lives of women are affected the most. Once women are pushed into the quagmire of prostitution, they cannot come out of it for the rest of their lives. And even if they want to leave, the society does not accept them. People of civilized society do not want to marry them. No one wants to give them shelter. Even their own family does not accept them. Umrao Jan has described such helplessness as follows-

“Kisko sunayen hal-e-dil zar aye Ada  
Awargi me hamne zamane ki sair ki”<sup>18</sup>

It means ‘to whom should I tell the condition of my restless heart. I wandered the world shamelessly.’ Because of a dacoit like Dilawar Khan, she became Umrao Jan from Ameeran. A girl from a decent and prosperous family was forced to live in a brothel. Famous feminist writer and professor, Nivedita Menon in her book ‘Seeing Like A Feminist’ has described only good women deserve protection. She says, “Sexual violence is only the most visible aspect of a general climate of misogyny in which all women are always under the scanner for signs of immoral behaviour. Every woman knows that the positions marked ‘good woman’ and ‘bad woman’, susheel aurat and baazaru aurat, madonna and whore, are not stable and fixed. Every woman lives in the constant knowledge of how easy it is to fall from the light side into the dark side, and how impossible it is, once fallen, ever to get back again into the light. An unthinking gesture, a careless physical movement, the wrong kind of dress in a public place or in the home, and suddenly, that’s it! You are exposed as a prostitute.”<sup>19</sup>





**Laws against Human Trafficking in India**-There have been continuous efforts by the government to stop human trafficking. There are several laws against human trafficking in India-

1. Indian Penal Code, 1860. Section 363 of it is whoever kidnaps a person from India or from lawful guardianship shall be punished with imprisonment of up to seven years and will also be liable to be fined.
2. The Immoral Traffic (prevention) act 1956. This act penalizes any person visiting a brothel for the purpose of sexual exploitation of trafficked victims.
3. Article 23 of the Constitution of India. Human trafficking and forced labour is prohibited.
4. Landmark judgments against human trafficking in India- (a) People's Union for Democratic Rights v. Union of India (1982). (b) M. C Mehta Vs state of Tamil Nadu (1996) etc.
5. Bonded Labour System (abolition) Act, 1976.
6. Child Labour (Prohibition and Regulation) Act, 1986.
7. Juvenile Justice (Care and Protection of Children) Act, 2000.
8. Protection of Children from Sexual offences (POCSO) Act, 2012.

**Conclusion-** Thus, human trafficking has been considered a heinous crime. The women who enter into prostitution through human trade, their whole life becomes hellish and miserable. Human trafficking, especially trafficking of women and children, is a form of modern day slavery. It is a violation of the human rights of individuals and the dignity of the victims. Discrimination of women's rights such as life, liberty, equality, education, health, and social security is invisible, structural and externally rooted in violence, subjugation, and patriarchal social order and perpetuated by the institutions of family, community, and society at large. Gender based abuse and discrimination may be sanctioned by society, made into law or simply tolerated. Either way, under democracy and dictatorship, in times of war and peace, women's human rights are violated daily and often systematically. They may be denied to vote or hold office. They may be subjected to violence, rape and sexual abuse by politicians, police, employees, family members, friends and relatives. They may be denied to have equal pay for their work. They may not be free to choose when or whom to marry, or how many children to have and when to have. "The patriarchal system proposes a distinction between men and women on the basis of biological differences. The magnitude of the shackles of patriarchy is also most clearly visible in the context of the female body."20 This is the reason that once Umrao Jan returns to her home, she is not adopted by the family, because her body is no longer pure. Government, NGOs, civil society, pressure groups and various national and international organizations should play an important role in the fight against human trafficking to protect human rights. It should be everyone's effort that no girl should become Umrao Jan from Ameeran. "Prostitute becomes an easily available general insult, suggesting someone willing to be bought, a person with no ethics; hence, politics and parliament are routinely compared to prostitution by different political strands."21 However, human rights are moral principles or norms for certain standards of human behaviour that need to be protected consistently. Women have the biggest contribution in the development of family and society, therefore it becomes very important to protect their dignity and rights.

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