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Child Trafficking and its Legal Implications in India

NANDINEE SINGH¹

ABSTRACT

According to the Indian law the person who is under the age of eighteen years is a Child. Any kind of exploitation of these children is an offense. The act of illegally transporting, buying or selling the children for commercial use is called CHILD TRAFFICKING. It is recognised as a huge crime worldwide. These children basically step into this world because of poverty, broken families or lack of education. Families who are suffering from poverty send their children to different cities or countries with the traffickers in the promise of daily wages. Among all the South Asian countries, India is one of the countries where child trafficking is increasing the fastest. Children are stolen from malls, parks or even their houses. Innumerable children are trafficked across the borders from India for sexual or forced slavery. The major reason of child trafficking in India is poverty, illiteracy, cultural or social issues. Child trafficking violates the basic human rights of children. There are torturous sexual abuses with young girls. The level of this crime is so vast that it can't be traced easily. There is requirement of proper evidences to impose legal actions otherwise no one can get to know about this human trading crime. The aftermaths of child trafficking are very scandalizing. The children suffer from physical as well as psychological problems. They lose the feeling of self worth and find it very difficult to cope up with the society. Many NGOs in India work for the victims and help them to get over this appalling incident. India has some laws against these criminal activities for the protection of children. Government and non-government organizations can do a lot of work to stop this gravest offense. The paper is written to highlight the problems and aftermaths of child trafficking in India including the basic laws.

Keywords: *Child trafficking, begging, forced labour, sexual abuse, psychological problems, rehabilitation, NGOs, laws.*

I. INTRODUCTION

Child Trafficking is a form of human trafficking which includes kidnapping of a child for slavery. It means transferring or harbouring the children. The trafficking of children is an internationally recognised crime. Child trafficking is not just an issue but is a strong hammer to

¹ Author is a student at Amity Law School, Noida, India.

break the back bone of a country that is the youth to be. Every minute a child is either stolen or sold for being trafficked. Sometimes children are bribed by the traffickers for a job opportunity which makes controlling the children easy. Victims of child trafficking are trafficked around the world for various things like child labour, sexual abuse or exploitation and even forced begging. The main cause of child trafficking is lack of education and poverty. People suffering from excess of poverty sell their children for the survival of their families.

Trafficked children are used for different things:

- The main purpose of trafficking children is often forced labour. Children under the age of 14 years are made to do forced labour which is illegal almost all around the world. Children are cheap as well as an easy labour to handle. They can easily be moulded into any character the traffickers want.
- Sexual abuse or exploitation of the trafficked children includes use of girls and boys in sexual activities, sex trade, child sex tourism, child pornography etc. Children are exploited to some next level. They are forced for prostitution. They are sold to massage parlours, bars, hotels, restaurants etc.
- Many times child trafficking is done for illegal armed forces. They are drugged and then manipulated to go against their own countries or to support some dangerous groups. They are made the messengers or spies of anti national groups and even help them for some political propaganda.
- The vulnerability of children is also used for trading drugs. They are exploited as drug couriers or dealers. Because of this they get addicted to the drugs. The intense use of drugs makes the children violent and aggressive.
- Next is adoption, Children are kidnapped from their parents or orphanages. Mostly this is done for international adoptions.
- Child begging is another type of trafficking. Children are kept in miserable conditions so that they look pitiful. Begging across the streets and collecting money for the traffickers is their work.

India has a lot of cases of child trafficking. It is a prevalent issue in India. As this crime is not easy to track, it is increasing rapidly.

(A) Objective: Child trafficking is a torturous and disgusting crime. The objective of the paper is to highlight the main causes, reasons behind child trafficking and it's after effects on the victims. The paper throws a light on the prominent NGOs that are working against this

monstrous crime. India has fair laws for this situation but still the crime keeps on speeding up. The traumatizing effects on the victims are pitiful and scary. The paper shows the reality of the crime and tells about some ways to get rid of it.

(B) Research Methodology: I have done a doctrinal research for this paper. Rather than experiencing and observing things related to the topic, I have concentrated on the documents and facts available. I have collected all the information through different websites, articles and my course books. Before writing the paper the data was properly understood and analyzed by me which was a very big advantage as I faced fewer problems while finalizing the research paper. The data is of secondary type. Primary research involves creation of data which makes it easier and faster to analyze the data in the secondary research. This makes the research paper more valuable.

(C) Literature Survey: In the first part I have mentioned the overview of the concept of Child Trafficking, its causes and the things for which the trafficked children are used. In this part, I have made an attempt to present a brief review of research available in the particular field concerning the problem of child trafficking in India. Without knowing the background and the proper content including the facts of the topic, a new research paper can't be written. For a good research paper it is necessary to have a look at the past happenings and literature related to it. Researchers say that child trafficking is basically done for forced child labour, sex trafficking or even prostitution. I have gone through many research papers which helped me to understand the topic thoroughly. Many of the research papers and articles made me realise that it is a hard crime to track and is increasing rapidly all around the world. The articles and papers have helped me a lot. I also went through some legal books online to know about the current laws and punishments related to the crime. The literature survey helped me in gaining a lot of knowledge regarding Child Trafficking and its different aspects.

II. MAJOR CAUSES AND REASONS

(A) Causes of Child Trafficking in India:

Young girls as object of want: In Indian society sons are valuable and precious than girls. This is because of the fact that they carry on the family name and not exposed to any settlement to deal with in their mature age. Girls are seen as weak and an object of desire which is the major reasons why many girls are victims of child labour and suffer from prostitution or some sexual slavery.

Lack of Education: India has lack of quality education. The literacy levels are very low in this

country due to which the child trafficking rates are increasing. Future opportunities are limited for a child with no or less education. The lack of knowledge about their rights leads to increased vulnerability and low self-esteem. Children prefer unskilled labour as an employment options rather than pursuing education because of an ineffective education system and poor financial security. Not just the children but the illiteracy of the parents makes them allow their children to do labour. Some children spend their lives doing house hold chores or working at some food joint but some unfortunately get trafficked. Parents suffering from poverty sometimes themselves only sell their children so that they can survive. In most of the cases small or teenage girls are trafficked due to the illiteracy of their parents.

Dysfunction in Indian family: The alcoholism and gambling in the society causes dysfunction in Indian family. Many families have only one person who earns for them and if that person turns into an alcohol addict then it becomes difficult for the family to survive. Gambling results into selling each and every asset in a human's life. These habits lead to child labour so that the family can survive. Because of all this children enter the horrifying world of child trafficking.

There are many other reasons also which cause child trafficking in India. As girls are seen weak, easy and loyal they are trafficked and used for begging or many other things. The mindset of people becoming rich overnight leads to traffic children which obviously is an easy way to get money. The caste system is still there in this country which is also one of the causes. Low caste families are forced and bullied to sell their children or sometimes the children are stolen overnight. In rural India the people are valued because of their caste which causes no humanity by other people for the lower caste children being trafficked.

(B) Reasons of child trafficking:

Child trafficking for Begging:

Mostly the trafficked children are used by the traffickers for begging. They threat the children or actually beat them. Trafficked children are also given drugs. These traffickers make it look like the children are from poor families. They are inflicted with wounds so that they look pitiable. The kind hearted passer bys don't even know that they are not helping the children for food, medicine or education but are paying for alcohol and drugs of the traffickers. These trafficked children are given daily targets for their begging tips. Most commonly women act to be mothers with a sleeping child. The child is given drugs to look like that. Many a time's stolen children are trafficked across the country and then used for begging. The parents can't even imagine what are their children going to face and then it becomes very difficult for the police to find them as they are trafficked very far away.

Prostitution because of child trafficking:

The children trafficked are then used for prostitution. It is a commercial sexual exploitation of children. In this a child is engaged in sexual activities for basic needs of traffickers like food, clothes, shelter. Children are forced into these situations where adults take advantage of them sexually. Here the most common age of children is 12 years because they can be easily framed into characters assigned to them and are generally virgin which is demanded by the customers. The girls are dressed in a way so that they appear older and fake documents are made against law. Many a times the children who run away from the traffickers get involved in sexual activities for their survival.

Forced Child Labour:

Children in India are allowed to do some labour but the trafficked children are forced to do work which is illegal. They are bribed of high wages and are then made to do bonded labour. They are forced to do labour in brick and stone factories. Children from rural areas of India are trafficked for employment in industries, manual work or domestic work in family homes. They are forced into labour and lose all their freedom. They become slaves losing their childhood. Children do labour in fireworks factories which is extremely hazardous for their health.

III. PSYCHOLOGICAL ISSUES AND SOLUTIONS**(A) Psychological problems faced by the Trafficked children:**

The physical and psychological abuse on trafficked children leads to serious emotional and mental health problems. Children have severe post traumatic stress, depression, memory loss, anxiety, fear, shame and other mental problems. The traffickers use psychology to manipulate and control the victims. All these effects make the escape of the children virtually impossible because they destroy their physical and psychological abilities. Children are most commonly trafficked to different countries. The continuous threats to their lives as well as to their families and being confined in an unknown country make the children helpless and hopeless. The trauma and torture develops lack of self worth, depression, insomnia, fear, loss of appetite, lack of trust, numbness etc. Children lose control over their lives and try to hurt themselves by cutting wrists or taking high dose of drugs. All the psychological traumas result in different and uncomfortable behaviour. This includes difficulty in relating to others, antisocial behaviour or even attachment problems. Victims of child trafficking experience inhuman living conditions. They don't get adequate diet and proper hygiene. The abuse and no basic human rights cause physical health problems. The sexually exploited children are abused by their traffickers as well as their customer. They might have been raped or beaten several times. The children suffer from

diabetes, infections or any kind of sexually transmitted diseases. The victims of forced labour might have worked in dangerous conditions. The children are exposed to dangerous pollutants which might result in serious infections, respiratory problems, exhaustion etc. Lifting heavy equipments also makes the bones of the children weak.

(B) Solution to the psychological problems:

Victims of child trafficking don't get proper facilities and assistance from a counsellor. Psychology plays an important role in the rehabilitation of trafficked children. Firstly there is a need to collect data and identify the victims. The children must be returned to their families. The young children must be first consulted. Anyhow if the children can't be returned or reunited with their families then proper arrangements must be made to solve the physical, social or psychological needs of the children. A proper counselling must be done of the victims. Providing social help and emotional support will help the child to cope up easily. All these things will help the children to share out their traumatizing experiences. Bonafide safety measures, education, healthcare, communication strategies, counselling will help the children so much. Psychologists can approach the children in a multi disciplinary way to know the emotional health of the children. A psychosocial approach could concentrate on the connection between social network and social variables and individual enthusiastic prosperity and incorporate mediations that focus on the youngster's family circumstances and home conditions, the kids' instructive and professional needs, medical issues, networks and the more extensive culture and society. It is important to provide a parental love to the victims. It will help them feel safe and to clear their heads about all those exploiting memories. The children must get proper care so that they can feel better psychologically as well as physically.

IV. THE NGO'S

NGOs in India working against this issue:

- **PRAJWALA**

It is an anti-trafficking organization based in Hyderabad, India. This NGO exclusively works on the eradication of sex trafficking from the country. The organisation was founded by Sunitha Krishnan an Indian social dissident and boss functionary. The organization is a non-administrative association that salvages, rehabilitates and reintegrates sex-dealt casualties into the society. They have shelters for sex trafficked women and children. They have partnerships with corporate agencies, government or some local communities to achieve their goal.

- **PRERANA**

It is a non-legislative association that works in the shady areas of town of Mumbai, India to ensure the protection of children against sexual exploitation. The NGO is trying to help the victims since 1986. They focus on protecting the trafficked women and children and helping them to lead a better life. In 1986 they started the **Night care program** at Kamathipura area in Mumbai. They also have **Educational support programs**. The ESP fulfils the needs of children. They provide complementary education, life skills etc. A specialized resource centre on Anti-trafficking is also run by them. The Anti-trafficking centres were started in 1999.

- **THE IMPULSE NGO NETWORK**

The organization was founded by Hasina Kharbhuh in Shillong. They are working against the human trafficking and saving the North east India from this crime. On 11th Feb, 1999 the organisation was registered again in the name of **Impulse NGO network (INGON)** and started addressing the issue more deeply. The NGO has saved **72442** victims approximately.

- **AVANI**

It is a Mumbai based NGO led by a former child labourer. They work for the children who are at a risk of being trafficked for sexual abuse or labour. They also give gender equality training to boys and have home for the victims.

- **HER CHOICES TRUST**

The trust believes in making the country free from violence, exploitation and abuse of women and children. They work to eliminate trafficking by raising awareness about it in rural areas and try providing legal assistance too.

- **STOP INDIA**

Roma Debabrata started the organization in 1998. Their aim is to stop trafficking by education, legal activities and saving the children. They rescue women or girls from any form of slavery and provide basic needs to rehabilitate them. The survivors are given education as well as life skills. They are empowered and make strong to fight for their rights. The vision of the organization is to have no slavery and trafficking in the world.

V. LEGAL FRAMEWORK IN INDIA

(A) Constitution Of India:

The India constitution bans the trafficking of person. Article 23, prohibits trafficking human beings.

Article 23 and 24 talks about the Rights against Exploitation.

Article 23: It says that trafficking as well as forced beggar of a person is strictly banned in the country.

Article 24: It says that Children under the age of 14 years are banned to do work in any factory, place or under any hazardous activity.

Any of these things are punishable under the eyes of law.

(B) The Indian Penal Code:

IPC has approximately 25 provisions for this crime.

1. **SECTION 366(A)** – Acquiring a minor girl “ Any person who persuades a minor girl that is under the age of eighteen years to go from a place or to perform a act where she might be forced or seduced to unlawfully have intercourse with some person shall be punished with imprisonment extended to ten years or even a fine.”²
2. **SECTION 366(B)** – Importation of girl from foreign country. “ Whoever imports a girl into India from other country who is under the age of twenty one years with an intension that she might be forced or seduced to unlawfully have intercourse with some person shall be punished with imprisonment extended to ten years and will also be liable for a fine.”³
3. **SECTION 374-** This section states that unlawfully compelling any one to do labour against their wish then this act will be punishable.

(C) Acts Made By Indian Government:

1. **IMMORAL TRAFFIC (PREVENTION) ACT 1956-** The act was made in 1956 and was implemented all over India.

The act requires:-

“Brothel” – any room, house or place specifically used for sexual abuse and prostitution.⁴

“Child” - one who is under 16 years of age. ⁵

The offences in this act include having an area to be used as Brothel, earning income through prostitution, taking any person for prostitution, prostitution in any public spot or seducing the

²Section 366A IPC, India, available at: <https://devgan.in/ipc/section/366A/>(visited on April 24, 2020)

³Section 366B IPC, India, available at: <https://indiankanoon.org/doc/1371751/>(visited on April 24, 2020)

⁴Immoral Traffic Protection Act 1956, India, available at: <https://indiankanoon.org/>(visited on April 30, 2020)

⁵ Immoral Traffic Protection Act 1956, India,available at: <https://indiankanoon.org/>(visited on April 30, 2020)

person on detention.

2. CHILD LABOUR PROHIBITION AND REGULATION ACT, 1986

- The act came in to enforcement on 23rd December, 1986. In this act there is prohibition on employment of child in any form who is caught doing this thing will be considered as a serious criminal. In 2016 there was an Amendment in the act where a person below the age of 14 years was not allowed to do any kind of employment.

3. INFORMATION TECHNOLOGY ACT, 2000

- The act forbids the circulation of data or information which is unsuitable in electronic form. The act is also against pornography.

SECTION 67(A) – This section has the punishment for circulation of data which has clear cut sexual act in an electronic form.

SECTION 68(B) – This section has the punishment for circulation of data which involves children in any sexual act in an electronic form.

VI. CONCLUSION

The heinous crime of child trafficking has its dimensions all over the globe. Each and every country has the impact of child trafficking on it. A collective and integrated effort is required to stop this crime from destroying the world. The negative impact of child trafficking is breaking the children mentally, emotionally as well as psychologically. There is a need of proper guidance for the victims. Improvement is required in the treatment of a child, psychological interviewing or educational facilities. The crime cannot be stopped until its causes are removed from their roots. Eradication of poverty is necessary. The parents in rural areas must be given proper education at least regarding this topic. Social help can be done for the families so that they don't see their children as burdens. Implementation of free and compulsory education must be done strictly because it will make the children choose the path of education rather than labour. To track this crime there must be a proper data about the missing children in the country. Local organizations of a city must be engaged in analysing the ground level situations. A good information technology department can be very useful for tracking down child trafficking. The crime can be stopped if everyone works against it. Spreading knowledge in schools, colleges and offices is a great start. More strict laws and punishments with frequent evaluation is required so that there is a fear of prison in the mind of a trafficker before doing this shameful act. Saving the children from this kind of exploitation is our duty and we should do it whole heartedly.

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