

# BURNISHED LAW JOURNAL

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## **CHILD TRAFFICKING, A CRIME AGAINST HUMANITY**

### **Abstract**

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We all are aware of child trafficking but no one openly wants to discuss this topic. Today India has become world's hub for child sex trafficking. It's a very serious issue which can't be neglected. There are many reasons for child trafficking such as for domestic slavery, child are used as sex workers, organ donor, beggary etc. There are many reasons of these children getting into the dark swamp of poverty, illiteracy, lack of awareness, culture of objectifying girl and seeing them as a desirable object, increasing demand of child pornography, and unenforced legislation. Trapping children for prostitution is very easy task as children easily get into the influence of others, a single candy can help the predator to hunt their prey. Today it is the major emerging problem of India and should be tackled within time otherwise upcoming generation will shrivel. In India, child trafficking mafias have a very well organized network which work all over the nation and hunt for young children, they kidnap young girls and sell them mainly for the purpose of prostitution and beggary. According to National Human Rights Commission of India nearly 40,000 children are abducted every year, of which 11,000 remain untraced. Government and many NGOs are working for the welfare of these vulnerable children. We also need to come forward and fight against this issue through awareness.

**Keywords:** - Domestic slavery, Prostitution, Objectifying girls, NGOs

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## **Introduction-**

Child trafficking is like a blot on the face of the society, a sarcastic slap on the humanity and an ideal society which we pretend to live in. Child trafficking is a serious issue in India which nobody wants to talk publicly. A serious problem, strengthening its root all over India especially in the rural areas where people are mostly illiterate, poor and unaware of this trafficking web. Trafficking of children is done with the intention of slavery of a child for domestic reasons, beggary, child prostitution etc. Trafficking of child for sex is very common, but now a days trafficking of child for slavery for domestic reasons is increasing. But the grey truth is that many children are sold in the name of better lifestyle and future and we don't consider it as a major issue and just see the whole scenario as the poor children are migrating in search of a better lifestyle and future. In this dark world the only hope of ray is the government and the constitution of India which safeguards the rights of every children without discriminating anyone on any basis but it still needs proper and perfect implementation, where our government is still struggling.

## **Why children are the soft target-**

The world is full of vultures, trying hard to snatch the innocence of children. According to human rights, the UN, approximately 1.2 million children are trafficked worldwide for sexual exploitation. We all know that trafficking a child is easy than an adult. Every child is the asset of its nation but the ground reality is bitter, assets of the nation are being trapped in the swamp of prostitution, slavery, and beggary. Trapping children is an easy task as children easily get into the influence of others; a single candy can help the predator to hunt their prey. Today, it is the emerging problem of India and should be tackled within time otherwise the coming generation will shrivel.

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## **Root cause of child trafficking-**

Trafficking is a swamp where children are stuck due to many reasons such as-

- **Poverty**

Poverty is one of the reason of child trafficking, many poor families sell their child for money. Leaving their child in the hands of traffickers just to maintain the financial status is very shameful and immoral act. The lucrative instigate the poor to sell their child in the dark swamp of trafficking.

- **Illiteracy**

Illiteracy and lack of education are some of the factors which make the child trafficking more easy and profitable.

- **Considering girls as a desirable object**

It is true that we worship Goddesses but the fact is we see girls as a desirable object. In Indian society sons are considered more 'valuable' than their daughters, because they carry on the family name, aren't subjected to dowry and are obliged to take care of them in their old age. Girls are seen as a weaker sex and only objects of desire, that's why most girl victims of child labour end up in prostitution or some kind of sexual slavery. From an deodorant advt. to a typical Bollywood movie, everywhere girls are seen as an object. According to a September 2015 report in 'India Today', girl's virginity are being sold openly in some regions, just to fulfil the lust of dark side of our society.

- **Demand of child porn in market**

In India, publishing and transmitting pornography is strictly prohibited but no such laws are restrictive for watching, and we all know that consumers are the ultimate God of every business and as the demand of child pornography is increasing day by day the supply of such content are fulfilled by such trafficked children. The manufacturing, publishing and distribution of pornography is illegal in India under section 292, 293 and child pornography is strictly prohibited in India under section 67B of the Information Technology Act, 2000. In July 2015 according to the Supreme Court of India watching pornography indoors in the privacy of one's own home was not a crime and hence SC refused to allow the blocking of pornographic websites. Again in August 2015 the Government of India issued an order to Indian ISPs to block at least 857 websites that it considered to be pornographic. The ban from the government came after a lawyer filed a writ petition in the Supreme Court arguing that online pornography encourages sex crimes and rapes.

Finally in October 2018 the government directed Internet service providers to block 827 websites that host pornographic content following an order by the *Uttarakhand* High Court. The court was convinced due to the rape of a 10th standard girl from Dehradun by four of her seniors. The four accused told police that they get instigated to rape the girl after watching porn on the Internet.

- **Unenforced legislation**

There are many loopholes in the legislation and their implementation, the trafficking mafias take that advantage of these and makes profit immorally.

### **Organised mafia and handicapped government-**

Trapping children for prostitution is very easy task as children easily get into the influence of others. Today it is the major problem of India and should be tackled within time otherwise it may lead to serious consequences. In India, child trafficking mafias have a very well organized network which work all over the nation and hunt for young girl, they kidnap young girls and sell them mainly for the purpose of prostitution and beggary. According to National Human Rights Commission of India nearly 40,000 children are abducted every year, of which 11,000 remain untraced. Today India has become world's hub for child sex trafficking. It is very easy task for an organized trafficking gang to trap teenagers, even a small candy can become deadly for them. These trafficking mafias pick up teenagers under the mask of their boyfriend, may be milkman and provide such information of yours which may lead them in big trouble.

In our country child trafficking is just an issue but as per the data and concerning the future of the nation it is the most serious issue of the nation. Government must have to pay attention on this and crack these various child trafficking rackets.

### **Laws and implementation-**

- **The Indian Constitution**

Article 23 (1) of the Indian constitution clearly states that human trafficking and forced labour is punishable and if anyone who violates this Article will be punished according to the law.

Article 39 (2) of the Indian Constitution states that health and strength of men and women and tender age of children is not to be exploited, and citizen should not be forced into



activities which are not suitable according to their age and strength due to any economic and financial necessity.

Article 39 (f) of the Indian constitution places an obligation upon the state to direct its policies in such a manner that children get the facilities and opportunities to grow up in a healthy environment, and their childhood is protected against material and moral abandonment and exploitation.

- **Immoral Trafficking Prevention Act, 1956.**

The IPTA is the main weapon of government to fight against the trafficking. This act primarily focused on the issue of trafficking especially for the purpose of prostitution. Running of brothels is restricted according to this act. This Act also provides some options for rescue and rehabilitation of victims of trafficking. But the main focus of the Act is for girls and women but does it does not especially focus on child victims of trafficking.

- **The Indian Penal Code**

IPC has various provisions which includes penalty on the criminal who kidnaps, abducts or sell or buy minors for the purpose of prostitution, forced labour, slavery, etc. also sexual activities with a child, who is under the age of sixteen, even with the child's consent amounts to rape.

- **Juvenile Justice Act, 2015**

Juvenile justice act, 2015 was made for the care and protection of children. Protects the child from begging, cruelty, forcing a child into dangerous work or hazardous employment, etc. This Act also provides a framework for providing education, vocational training, care, protection, treatment, etc. to helpless children who may get exploited if not provided with legal support.

But in reality the implementation of these laws are not seen anywhere, trafficking of children specially cross border trafficking of young girls from Nepal and Bangladesh to India for sex slavery and poor girls from India to Arab countries in the name of 'nikaah' is still predominant.

### **NGOs and the dark side of NGOs-**

NGOs are said to be the lifeline of these helpless children. They are the lamp in the darker path of these vulnerable children. Sometimes the saviour turns out to be a demon, recently in *Muzaffarpur*, a city in Bihar, there was a shelter home for girls that ran under an NGO that was *sewa sankalp evam vikas samiti*. Here, cases of sexual abuse, rape and torture were reported and in the medical examination, sexual abuse of 34 out of 42 inmates living at the shelter was confirmed.

The best way to eradicate trafficking is the awareness, we have to make our surrounding aware about the seriousness of the issue.

### **Conclusion-**

Child trafficking is a shame for the society and the whole nation. A teenager girl looks pretty with a natural smile on her face not with a red lipstick and mascara on her eyes just to attract customer with a fake smile and waiting to get sold to a person having an age of her father. Child trafficking is a problem that has been rooted so deep in our society that it became uncontrollable for government to eradicate it completely, we have to come forward and fight against this issue through awareness, and with the help of some NGOs such as *Bachpan bacaho andolan*, which are working for the betterment of such neglected children.