

A Study on Child Trafficking in India

S. Jayapal

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Hindustan School of Law, Hindustan Institute of Technology and Science, Hindustan University, Padur
jayapal.s.2001@gmail.com

Abstract: *Child trafficking remains a grave violation of human rights, with millions of children worldwide subjected to exploitation and abuse each year. Addressing this multifaceted issue requires comprehensive legal frameworks and effective enforcement mechanisms. This research paper explores the intersection of child trafficking and the Juvenile Justice Act, focusing on how this legislation can be leveraged to combat exploitation and protect vulnerable youth. Drawing on legal analysis, case studies, and policy perspectives, the paper examines the key provisions of the Juvenile Justice Act relevant to combating child trafficking, explores its implementation challenges, and proposes strategies for enhancing its effectiveness in addressing this critical issue*

Keywords: Child trafficking

I. INTRODUCTION

Child trafficking is a global issue. In our day to day life we witness numerous children being used for beggary, exploited in industries, employed in construction works and more. But still these children are helpless even after enacting strict legislations. What is the reason for those existing horrors against children even after enactment of separate legislation for the children? This research paper aims to establish the practical lacuna between implementation of juvenile justice act provisions and reasons beyond child trafficking. The research paper also covers international legislations against child trafficking, modes of child trafficking, remedies for the trafficked child, role of juvenile justice act in combating child trafficking in india.

UNDERSTANDING CHILD TRAFFICKING

DEFINITION OF CHILD TRAFFICKING BY UNICEF

According to UNICEF a child victim of trafficking is any person under 18 who is recruited, transported, transferred, harbored or received for the purpose of exploitation, either within or outside a country. Female children are trafficked for marriage, sex-work, criminal activity, adoption and organ trade whereas male children are trafficked mainly for labour and exploited as beggars. Sometimes, trafficked children are also recruited into armed groups or for criminal activity.

SOME FORMS AND PURPOSES OF CHILD TRAFFICKING: Children are often pulled into the trafficking through sale and purchase, kidnapping, use of threat, coercion and force, through fraud and deception. They are trafficked for some of the following purposes:

Labour: Bonded labour, domestic work, Agricultural labour, Construction work, Carpet industry, garment industry, fish/shrimp export as well as other sites of work in the formal and informal economy.

Sexual Exploitation: Forced prostitution, socially and religiously sanctified forms of prostitution, sex tourism, pornography.

Illegal Activities: Begging, Organ trade, Drug peddling and smuggling.

Entertainment and Sports: Camel jockeying, Circus, dance troupes.

For and through marriage and adoption

SOME BASIC ELEMENTS OF CHILD TRAFFICKING: Here are some of the basic elements of trafficking that gives us a better understanding of what child trafficking entails (HAQ 2005):

Children under the age of 18 are most vulnerable to becoming victims of trafficking. It's a myth that only girls are vulnerable to trafficking.

Boys are equally at risk of being trafficked. Children are more often than not unaware of being victims of trafficking and the consequences emerging thereof.

There is constant abuse of authority. Coercion or actual force, fraud, deception or allurement are some of the means used to traffic children.

There is exchange of cash or kind in the process of trafficking. Children are often subjected to abuse and violence either during the process of trafficking or as a result of it.

MAJOR REASONS FOR CHILD TRAFFICKING IN INDIA:

Although there is a broad range of reasons why trafficking of children has been on a rise in India, there still remains a gap in literature for this. However, some of the major reasons for trafficking of children in India can be listed as:

Poverty

Food Insecurity

Globalization

Urbanization

Displacement due to development, natural calamities, ethnic or political conflict

Cultural Norms and Traditions of a particular community

Violation of Basic rights of Children

Lack of Political Will

Limited legal provisions

JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000 (JJ ACT):

The JJ Act is a special legal provision laid down for children under the age of 18 years for their care and protection. It broadly puts children under 2 broad categories: children in conflict with law (CCL) and children in need for care and protection (CNCP). Children falling under trafficking are put under the CNCP category. It addresses trafficking of children in general as well as for begging and labour.

Section 23 of the JJ Act talks about cruelty against children including assault, abandonment, wilful neglect, procurement of a child for any of these in a manner that causes mental and physical suffering to the child.

Section 24 (1) lays down the legal procedures involved in employing, using or causing a child to beg.

Section 26 states legal procedures against people who procure a child for hazardous employment, keep them in bondage and withhold the child's earnings for one's own use. The JJ Act provides institutional and non-institutional measures of rehabilitation of trafficked children. These include, foster care, adoption and sponsorship.

SOME OTHER RELEVANT ACT AND INTERNATIONAL LAWS:

In accordance with the above-mentioned sections of the IPC, there are other national Acts and international laws in place that can be indirectly or directly referred for cases on trafficking. Some of these are:

The Narcotic Drugs and Psychotropic Substances Act, 1985

Young Persons Harmful Publications Act, 1956

The Information Technology Act, 2000 The Transplantation of Human Organs Act, 1994

The United Nations Convention on the Rights of the Child (UNCRC), 1989 11 The Convention on the Elimination of All forms of Discrimination against Women (CEDAW), 1979

The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000

Declaration on Social and Legal Principles relating to the Protection and Welfare of the Children, with special reference to Foster Placement and Adoption Nationally and Internationally

The Hague Convention on Protection of Children and Co-operation in Respect of InterCountry Adoption, 1993

SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, 2000

CASE STUDY

A GIRL CHILD SAVED FROM BEING TRAFFICKED

Meena, 14-year old, had been trafficked from Gurugram to Itawain, Uttar Pradesh. CHILDLINE team Aligarh received a call from Gabhana Police Station that a girl child was found. Project Coordinator and CHILDLINE team members reached the spot and met the child. On interrogation, it was revealed that a man named Kallan, who works nearby her home and was known to her parents had brought her there to show her a temple. But he had some other intentions as after their temple visit, he took her to an Ashram where they stayed the night and in the morning boarded a bus. The girl questioned the man but was scolded and made to stay silent. As the bus passed by the Gabhana area, the man misbehaved with the child and she started crying. This alerted the bus driver and other passengers who asked the girl and stopped the bus at Gabhana Police Station. They handed over the child and the man to the police. Gabhana Police arrested the man, called the CHILDLINE team and handed over the child to the team for care and protection. CHILDLINE team Aligarh then searched for the child's address and informed the concerned Police Station of Badshahpur in Gurugram. It was found that the child's father had already filed a missing person FIR. The CHILDLINE team coordinated with Badshahpur Police and contacted the Gabhana Police. The Badshahpur Police arrived with the parents in Aligarh. They arrested the man and took him under their custody. The CHILDLINE team presented the child and her parents to the Child Welfare Committee (CWC) Aligarh. For the best interest of the child, the CWC restored the child to her parents and transferred her case to Gurugram CWC for further trial and investigation.

II. CONCLUSION

Movement of a human being from one place to another is a universal human right. It is a social phenomenon and has multiple reasons behind it ranging from urbanization, globalization, employment related migration and many more. However, when this movement is forced and involves vulnerabilities of people, especially children, it becomes a reason for concern for all. Movement from one place to another for criminal offences like prostitution, child labour, child marriage etc. is a grave crime and need to be dealt with stricter laws and provisions. In the recent past, trafficking of children for varied reasons has been observed in India. However, for a very long time, trafficking was used interchangeably for prostitution. Hence, there were no laws laying down specific definitions and provisions for trafficking. However, with the increased incidents of trafficking between countries and within them, the UN came out with the Palermo Protocol. It was the first time that trafficking was defined and legal provisions were laid down. With the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000, the State Parties were made obligatory to follow the provisions laid down by this protocol. In India too, there have now been some amendments in the Indian Penal Code to recognise and define trafficking as a criminal offense.