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A Study on Trafficking of Girl Child in India

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Abstract

The horrendous cases of missing girl children rock the parliament and grabbed the attention of the entire national media very frequently. The details that emerge are so ghastly that the conscience of the entire nation shake and people wonder how low humanity could stoop so low. The poor helpless souls who suffered first as the victims of trafficking would have expected a better life after being rescued, but what awaits them is a life of physical and sexual violence, torture and inhuman living conditions in confinement of the shelter home. The very institution and structure that is supposed to protect them, turned predator to feed on their voiceless souls. But then as Arundhati Roy has said “there are no voiceless people but those who are deliberately silenced or those preferably unheard”, and these poor girls are both muffled and ignored.

INTRODUCTION

“Human trafficking as a phenomenon has been defined by UN General Assembly in 1994 as : the illicit & clandestine movement of persons across national and international borders, largely from developing countries, with the end goal of forcing women and girl children in to economically oppressive and exploitative situations for the profit of the recruiters, traffickers and crime syndicates as well as other illegal activities such as forced domestic labour, false marriage, clandestine employment and forced adoption. The

element of migration, with or without consent, to an alien exploitative environment is an essential component of the concept of trafficking”¹.

Human trafficking, or trafficking in persons, is a form of modern-day slavery and millions of people around the world, including children are victims of this crime². Violations of human rights are both a cause and a consequence of human trafficking³. Every country in the world is affected by human trafficking, whether as a country of origin, transit, or destination, and commonly, as all three. Human trafficking is not just a problem in other countries; cases of human trafficking have also been reported in India, which shares a large border with Nepal and Bangladesh. Despite increased attention and response to the topic of human trafficking, the empirical state of the literature has seen only marginal developments over time, leaving the magnitude of the problem unknown.

Human trafficking is the exploitation of human beings, especially vulnerable populations, and is recognized as one of the most severe abuses of human rights today. It is both a national and transnational crime that has become more prevalent with the globalization of society⁴.

India which shares a porous border with Nepal and Bangladesh allows free migration from Nepal while border with Bangladesh remains highly porous due to geographical reasons. This is taken advantage of by the traffickers on the pretext of migration. According to the Centre for Women and Children’s Studies, Bangladesh⁵, there are 51 Bangladeshi enclaves in India and 111 Indian enclaves in Bangladesh, which have no patrol or control by any law enforcement agency. As a result, the trafficking gangs can easily use these enclaves as recruitment and collection sites. Under the garb of migration, the traffickers have become active and a large number of young girls and boys are being trafficked from both Bangladesh and Nepal to various places in India, especially to large urban and industrial centers apart from the metros of Kolkata, Mumbai and Delhi.

The lack of proper action against traffickers has resulted into increase in trafficking cases and emergence of trafficking as an organized crime. Within the span of 20 to 25 years the business of trafficking of children- especially girls has flourished. The biggest question is that where are the boys and girls who have been trafficked? Many of them have never returned home. Where have they gone? Who can give a reply to these questions? Who are the persons responsible for this crime? Does not the trafficking of boys and girls and them going missing come under the preview of crime? A large number of boys and girls have gone missing and we have remained mute spectators. Is it not an indication of our declining human and moral values?

¹ Asha Bajpai, Child Rights In India, law Policy and Practice, 249-250, 2nd edition , Oxford, 2006

² De Stefano, 2007

³ Robinson

⁴ Destefano 2007

⁵ Ishrat Shamim, 1998

There are some children who have been trafficked in the name of a bright future and a high paying job have returned back home. However, a large number of children especially girls trafficked on various pretext have vanished into thin air. Very few who have been lucky enough to return have stories of torture, sexual and physical exploitation.

The literature on trafficking reflects the dilemma of writing on a subject that is not easy to research and document and yet is too grave an issue to ignore. Considering the hidden and criminal nature of the problem, the data presented by most reports is valuable in face of this scarcity. While the adopted definitions, perspectives and approaches to the problem of trafficking may vary the concern with finding effective solutions is common to these studies. Data concerning human trafficking, especially child trafficking, is severely lacking.

Our constitution guarantees fundamental rights to each of its citizens, besides that various laws, legislations, international protocols and conventions create an obligation on our governments to tackle this menace of human trafficking, especially the most acute forms like women and children trafficking. The governments have created a huge infrastructure and superstructure beside the civil society resolve and organizations to combat the menace of trafficking. But all these structures are proving highly inadequate and ineffective in the performance of the tasks assigned.

While a great percentage of such trafficked victims are exploited in various professions and places and never rescued, those rescued have to face a worse ordeal altogether. While the state government has developed institutions to ensure rescue and rehabilitation, these very institutions in their operation have perhaps the worst living conditions on the entire face of the Earth. Those rescued instead of being reintegrated in to the mainstream of the society are further pushed to margins and the children suffer a permanent damage to their psyche, physique and dignity.

The Muzaffarpur Shelter home case is one such story that has tumbled out in open, while many more are still waiting all across the country. A social audit of Muzaffarpur Balika Grih run by Sankalp Seva Evam Vikas Samiti led to revelations of horrific tales of physical and sexual violence, torture and sub human conditions. Subsequently on the basis of the report the department registered an FIR against the NGO and its operators. The police investigations found that the girls rescued from different places were kept at the Balika Grih, were systematically drugged, tortured and sexually assaulted by the male staff and the owners of the NGO. There is also a whiff of even rape and murder at the shelter home. The prime accused Brijesh Thakur, known to be a very well connected person of a very powerful caste was able to keep the whole thing under wraps for more than five years. Owing to his influence and power in media and political connectedness despite hundreds of inspections and regular visits by the Child Welfare Committee members, not a single word of abuse ever came out. It is only now when the case has been entrusted to CBI and the prime accused arrested that the

neighbor and other in knowledge of facts are coming out to tell the horrendous tales of violation of entire humanity

I. Towards Trafficking Concept:

The United Nations issued the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children, defines human trafficking, describing the crime as: **the recruitment, transportation, transfer, or harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation, including (at a minimum) prostitution and other forms of sexual exploitation, forced labor, forced services, slavery and practices similar to slavery, servitude, and the removal of organs**⁶.

Trafficking in children, or child trafficking, is human trafficking, but refers to persons under the age of 18. Children are trafficked globally and domestically for both labour and sex. Child sex trafficking is a particularly intolerable form of human trafficking due to the natural and inherent vulnerability of children⁷ and represents a severe form of child maltreatment⁸. Furthermore, according to the Constitution of India (Article 23), Immoral Traffic Prevention Act (1956) and Indian Penal Code (1860), it is illegal to lure, transport, or obtain a child for the purposes of prostitution or any other illegal sexual activity under Indian law. Perpetrators of these acts are considered traffickers or pimps and benefit in some manner from the sale of a child, resulting in a profit or gain of something of value.

Human trafficking especially trafficking in women and children is an extreme form of human rights violation as it denies the fundamental rights of mobility, freedom, dignity and integrity of the victims. It deprives people of their human rights and freedom, it increases global health risks, and it fuels the growth of organized crime. Human trafficking has a devastating impact on individual victims, who often suffer physical and emotional abuse, rape, threats against self and family, and even death. But the impact of human trafficking goes beyond individual victims; it undermines the health, safety, and security of all nations it touches. The cause of trafficking is two-dimensional. One is the demand factor and the other is the vulnerability of the person being victimized. The greatest factor in promoting child sex trafficking and child sexual exploitation is the demand for younger and younger victims worldwide.

⁶ <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

⁷ (ILO, 2008; Vieth & Ragland, 2005)

⁸ (Estes & Weiner, 2005)

Generally it is felt that trafficking of children takes place for sexual exploitation, but trafficking for forced labour, slavery, servitude, marriages and for the removal of organs is also very common. The trafficked children are most commonly used for labour in brick kilns, factories, construction work, sweet shops, as domestic servants and for prostitution and pornography. In India trafficking is recognized as an organized crime and requires holistic approach for its eradication.⁹

Child trafficking is not new phenomenon. Women and children are bought and sold ever since human civilization came into existence but in the recent past there is an increased reporting of it.¹⁰

II. Dynamics of Trafficking of Girl Child: Disappearing Daughters

Trafficking is an organized crime that is carried out by a strong network of groups. There is a nexus not only among local level pimps/touts, but also among top businessmen, influential people, hotels, travel agencies, and, not to mention of brothels. Whenever an incidence of trafficking takes place, it is always conducted by a group of people. Girl Children are passed around from one place to another by a chain of people. Generally, there are master traffickers. They are assisted by touts, field-level purchasers, transporters, pimps, procurers, brothel owners and brothel managers.

Apart from touts from outsides, there are village-based touts as well who work for the traffickers in their native villages. Primarily, their job is to arrange housing for touts coming from outside, introducing them to villagers and providing them all the necessary information and supports. Trafficking is broadly defined as an act of taking away human beings from home to other parts of the country or abroad using force or deceit. The end result of trafficking is transportation of human beings from one place to another in the name of marriage, love, jobs, tourism and a bright future. The result may end in slavery, forced labor or sexual and physical exploitation. It is difficult to assess the real scenario of trafficking because of the element of secrecy maintained by the traffickers.

⁹Dr. Nuzhat Parveen Khan, Child Rights and the Law, 2012, Universal law publications Co. , New Delhi

¹⁰ ibid

i) Report about a senior official in the ministry of external affairs charged for criminal conspiracy in case of human trafficking.
ii) In the state of Jammu & Kashmir politicians and bureaucrats involved in sex racket
iii) In Nithari (NOIDA) children were kidnapped for trafficking, sexual abuse and organ trade

III. Factors contributing to Trafficking:

Demand Factors:

- Migration and trafficking
- Fast growing sex entertainment industry
- Rising demand in domestic spheres
- Diminishing sex ratio with diminishing daughters

Supply Factors:

These are the situational factor which ultimately adds to the vulnerability of women.

- Poverty.
- Economic disparities and lesser employment opportunities
- Illiteracy and lack of knowledge of individual rights.
- Poor law enforcement and political will.
- Natural calamity.
- Remoteness of the places.
- Falling traditional family value systems.
- Conventional social practice of child marriages.
- Girls and women in Red light Areas:

IV. Trafficking techniques:

For the purpose of trafficking women and children are usually picked up from various small towns and rural areas. These are to pass through multiple hands which involve various intermediaries & brokers which are usually unknown. They play tricks to lure poor innocent children and their parents whom they often follow certain common line of approaches. Their Modus operandi to net there targets can be any one of the follows:

- Fake marriage, love affairs and promises to marry.
- Agents would deceive parents of children with a false promise of high income jobs.
- Local contacts, agents with the help of local touts identify the vulnerable families in the villages and would approach them according to their necessities
- Bribing officials to fabricate documents at border crossings.
- Direct Sales, where the family members or their relative themselves approach these local touts to sell their children whatever be their circumstances.
- Failure to pay Debts and high interest rates

- Direct Purchases, of girls from pimps of red light areas, hotels, massage parlors, orchestra parties etc.
- Luring parents, guardians with gifts and cash money.
- Exploiting any chances in an economically and emotionally challenged family.

V. Repercussions of Trafficking On victims

- Risk of HIV/AIDS:
- suffers from anxiety, depression and post-traumatic stress disorder,
- regular physical and mental torture, etc. take heavy toll on the victims
- long working hours,
- malnutrition,
- stunted growth,
- unhealthy and unhygienic environment,
- drug addiction abuse,
- reproductive problems,

On Society:

- Abuse of Human Rights:
- Fuels the growth of organized crimes
- Global health risks



Implementing Bodies

- **State Level Anti-Human Trafficking Co-ordination Committee (SLAHTC):** The Supreme Court of India in its judgment ‘Vishaljeet vs. Union of India’ had tasked the state governments to take initiative in *preventing and combating trafficking*.
- **District Level Anti-Human Trafficking Committee (DLAHTCs)**
- **Anti-Human Trafficking Task Force (AHTTF):** Police being one of the important stakeholders in the response system, has a large role to play in prosecution.
- **Anti Human-Trafficking Prosecution Monitoring Committee (AHTPMC)**
- **Village Level Anti Trafficking Bodies,** shall be set up by the DM involving all the panchayat representatives, teachers, Aganwari Worker, local police, Community Based Organizations, members of NGOs and officials.

VI. Prevention, Rescue and Rehabilitation

1. Prevention of Trafficking

Preventive strategies involving different programs at source areas, transit points and destination areas are essential to combat trafficking. In this context the following steps should be initiated:

- **Identifying source areas and vulnerable persons:** Source areas are those places from where persons are trafficked.
 - a) Public awareness by all government schemes meant for addressing these issues.
 - b) Generating employment opportunities in the source area to cater the problem of migration.
 - c) Rescued women should be given preference in the After Care Homes/Protective Homes and in the poverty alleviation schemes of the State government to promote economic independence.
 - d) Public awareness campaigns focusing on social acceptability and removal of stigma is the need of the day.
- **Actions at the Transit Point** – Transit Point are the point of transaction from where the persons who are trafficked from the source area are brought and are taken to the demand area. Considering the fact that many bus stands and railway junctions are the transit points for trafficking within India and several boarder areas are the transit points for trans-border trafficking, steps are required at these places for effective check on traffickers. Police, counselors and NGOs could be involved to create awareness on the trafficking and opening of counseling centers to sensitize the vulnerable population on trafficking.
- **Action at Demand Area:** Demand Area is the place/location where trafficked persons are taken to and where there is a demand for the trafficked person. Prevention is possible only when concerted efforts are made at the demand area too by carrying out investigation so that the traffickers and other exploiters could be brought to book of law.
- **Preventing Trans – Border Trafficking** A mechanism needs to be devised for preventing trans-border trafficking and for ensuring the after care of the rescued persons, as well as for timely sharing of information and intelligence with all concerned.
- **Political Will** – The best achievements in the anti - trafficking response systems, both in preventing and combating trafficking are possible only when appropriate political will is available.

- **Responsible Media** – There is a need for deeper involvement of media in prevention, protection and prosecution initiatives. Sensitization of media is called for. The Social Welfare Department should take steps in this direction.

2. Protection and Rehabilitation of victims/ survivors of Trafficking

Community participation for rescue and reintegration is the need of the day but trafficked victims are looked down upon in society and there is hardly anyone coming forward to their support. There are Government and NGO run homes for such girls as is provided in the National Plan of Action (1998) or under different Acts.¹¹

- **Social Reintegration:**

The National Plan of action to combat Trafficking and commercial Exploitation 1998 provides for shelter homes for rescued girls and women. There are also provisions for counseling, education, vocational training, and recreation, in all homes run by the Government and by the NGOs.¹²

- **Reintegration with one's own family:**

In most cases family does not want to take back girl child on the plea that they can't take back sexually exploited or trafficked girl because they will be socially boycotted. There are others who after counseling session are agreeable to take back such girls who have fallen victim of sexually assault or trafficking.¹³

- **Special recruitment of Retired Police Officials and retired military officials as Special police Officers:** Since there is an acute shortage of police officials to deal with the various issues affecting the society, it is required to identify appropriate retired police officers and retired military officers and be trained specially.
- **Institute rewards and commendations** for the government officials including police and NGOs who deliver the best performance in the anti – trafficking sector.
- **“Women And Child Desk”** in Police Stations – In order to have focused attention to the issues of trafficking, besides other crimes and rights violations against women and children, it is essential to set up this desk in all police stations in the state.

¹¹Prof.(Dr.)Nirmal Kanti Chakrabarti, Law and Child, 2nd Edition, 2011, Chambray & Co.Pvt.Ltd., Kolkata

¹² ibid

¹³ ibid

- **Involving Corporate in Rehabilitation:** In order to develop synergy in actions and in locating resources, it is better to involve the Corporate Sector in the rehabilitation process, especially in providing livelihood skills, in providing employment, etc.

Conclusions and Recommendations

In this paper the researcher has studied the horrifying problem looming on girls in the country i.e. girl child trafficking. The whole issue of trafficking, government and civil society structures for rehabilitation was studied, it became apparent that the mechanism of the government is woefully inadequate in meeting the challenges thrown up by the tremendous problem of Child trafficking. Thus there is a need to revitalize the whole mechanism to make it to work effectively.

- A. Making Dignity, Freedom and Compassion as the central philosophies for Institutions. This is possible with the staff training in treating residents in dignified manner and creating non-threatening atmosphere. This would also help them dealing with children with special needs.
- B. Vocational Training and Recreation for residents.
- C. Developing mechanism to check violence, by engaging residents in some sort of positive acts e.g fine arts classes, theatre groups, sports activities etc., and thus following a day routine rather than just killing time.
- D. Planning Rehabilitation for the Individual should be the ultimate aim. Instead of Rehabilitation and planning for the child's positive exit from the institution, the staff is more focused on monitoring discipline and dealing with operational issues.
- E. Ensuring timely immunization and medical facilities at all times.
- F. Establishing feedback system from the organization as well as residents to keep abreast with the ground realities.
- G. Infrastructure development and maintaining hygiene & sanitation.
- H. Filling up vacancies, Timely release of salaries and budget sanctions.

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