

TRAFFICKING OF CHILDREN FOR CHILD LABOUR IN INDIA

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ABSTRACT

Childhood is a time for children to grow, learn, play, and thrive in a safe environment. Children, particularly those from low-income families, are more vulnerable to slavery because they are more readily misled or tricked than adults. They are easy to handle and are not likely to demand more pay or better working conditions. Child trafficking is connected to child labour, and it almost invariably leads to child abuse. Children who have been trafficked are subjected to a variety of types of abuse, including physical, mental, sexual, and emotional abuse. Children who have been trafficked are coerced into prostitution, marriage, or adoption; they perform cheap or unpaid labour, are compelled to work as house servants or beggars, and may be recruited into armed organisations. Children are exposed to violence, sexual abuse, and HIV infection as a result of human trafficking. When children are trafficked, no violence, deception or coercion needs to be involved, trafficking is merely the act of transporting or harbouring them for exploitative work. Child trafficking is quite common in India. According to the National Crime Records Bureau, one child goes missing every eight minutes. Children are sometimes kidnapped from their homes to be bought and sold on the open market. In other situations, children are duped into falling into the hands of traffickers by being offered a job, only to be enslaved once they arrive. Many children are trafficked in India for a variety of purposes, including work, begging, and sexual exploitation. Because of the nature of this crime, it is difficult to trace, and it is difficult to prevent due to weak enforcement of regulations. Poverty, a lack of education, and the need to financially support their family are some of the major causes of child trafficking in India. According to the Palermo protocol, the legal definition of human trafficking is a crime that includes three elements: the act of recruiting, transporting, transferring, harbouring or receiving a person; by means of e.g. coercion, deception or abuse of vulnerability; or the purpose of exploitation, such as sexual exploitation, slavery and forced labour, among others.

Keywords: *Child Labour, Sexual Slavery, Child Soldiers, Drugs Selling, Bonded Labour and Domestic Work.*

Introduction

Children are the foundation of any community. The health growth and development are crucial since how they develop influences how the planet is in the tomorrow. Children should be provided with a safe and comfortable place in which to grow up free of crime and develop into responsible members of society. Children and their childhood must be protected to avert this. However, in today's world, violence against children is at an all-time high, making it critical to keep children safe. It is one of the most horrific crimes that is widely condemned across the world. It harms children's futures, and it is pervasive in many industrialized and developing nations. Abuse and exploitation, household slaves, bonded labour, as well as other offenses such as stealing, drug smuggling, and begging are all reasons why children are trafficking (Yadav, 2021).

The term "trafficking" refers to the illegal exchange of products in generally. It is the illicit buying and selling of human persons, which is frequently utilised for sexual exploitation, exploitation of workers, and organ trafficking (Lal, 2021). Article 3 of the United Nations Protocol Against Trafficking in Persons, Especially Women and Children defines human trafficking, "The recruitment, transportation, transfer, harbouring or receipt of persons, using the threat of the use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for exploitation" (Ray, 2007).

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In 2018, 148 nations discovered and reported around 50,000 human trafficking victims. Fifty percent of those found were trafficked for sexual exploitation, while 38 percent were compelled to work. Female victims are still the most common victims. Women make up 46% of all victims of human trafficking, while girls make up 19%. In the world, one out of every three victims is a child. The number of children recognized as victims of trafficking has tripled in the previous 15 years, while the number of boys has increased fivefold (Nation, 2021). According to the 2011 census, India has 16.45 million children aged 0-6 years and 37.24 million children aged 0-14 years, with females accounting for 48 percent of the population in the latter category. The world's highest juvenile or adolescent population is found in India. In 2018, there were 435 occurrences of child trafficking and 1042 victims, while incidences and victims of minors being sold for prostitution were 42 and 54, respectively. There were eight instances of kids being purchased for prostitution, all of whom were female. Meghalaya, West Bengal, Arunachal Pradesh, Assam, and Sikkim requested clarification on this data (Yadav, 2021).

Various Kinds of Child Trafficking

- **Forced Child Labour:** Children in India are legally permitted to conduct light work, but they are frequently trafficked for **bonded labour** and **domestic work**, and they are forced to work much beyond the country's legal limits. Children are frequently compelled to work as bonded labourers in brick and stone quarries to pay off family obligations owing to moneylenders and employers. They are frequently compelled to labour using contraptions that bind them, preventing them from fleeing and forcing them to submit to authority. Others may be enslaved by physical, emotional, or sexual abuse. Children from India's rural areas are compelled to work in dangerous situations for little or no compensation in sectors such as spinning mills, cottonseed production, physical labour, and domestic work in family homes, stone quarries, brick kilns, and tea plantations, among others. Those forced into labor lose their freedom when thrust into the workforce, thereby becoming slaves and losing their childhood.
- **Commercial Sex Exploitation of Children:** Children exploited for commercial sex are subjected to **child pornography and prostitution**. This is same as forced labour. This is a type of modern slavery as well. This is about providing children's sexual services in exchange for payment/compensation, either in cash or in-kind in the form of favours. In this case, the youngster engages in sexual behavior in exchange for money or a promise of worth in exchange for something of value or something of value. Commercial sexual exploitation of minors occurs when a youngster is 17 years old or younger when engaging in this type of conduct. Sexual abuse that is done in exchange for money, services, or products can also be done in exchange for a promise of money, service, or goods (Banerji, 2021).
- **Domestic Servitude:** Children are frequently promised that working as domestic assistants in middle-class houses will provide them with high pay, yet they are frequently mistreated, abused, and sexually raped. Because it takes place in private residences with no governmental enforcement, this sort of trafficking is difficult to detect. Every year, hundreds and thousands of females are kidnapped from rural India to city for work as domestic helpers (Gautam, 2021). They are moved from one nation to other using threats or other methods like fraud, deceit, coercion, etc. Children and females are the most common sufferer of domestic servitude. However, when working as domestic workers, they are not permitted to leave the house without first obtaining permission. They are also unable to act on their own free will, making them slaves to their masters. Domestic slavery was recorded in 364 occurrences in 2019 (Bhandari, 2021).
- **Illegal Activities:** Children are seen as more vulnerable than adults, and they are regularly used in illicit acts like **begging and organ trafficking**. Have not only the children been compelled to beg on the streets, gang bosses have also taken limbs from them or thrown acid into their eyes to blind them. Because injury sufferers generate more income, they are commonly utilised within that manner. Organ trafficking, in which traffickers deceive or compel children to give up an organ, is also frequent. According to UNICEF, "more than 30 violent conflicts throughout the world, more than 300,000 children under the age of 18 are reported to be exploited. Whereas the majority of child soldiers between the ages of 15 and 18, some are as young as seven or eight years old. A large number of youngsters are kidnapped and forced to serve in the military. Others work as porters, chefs, guards, servants, couriers, or spies, to name a few jobs. Sexual assault is rampant among these young soldiers, resulting in unwanted pregnancies and sexually transmitted diseases. Due to their circumstances, some young people have been forced to perpetrate crimes against their communities and families" (Yadav, 2021).

Human Rights Violation

Human trafficking is widely acknowledged as one of the most serious human rights crimes. However, Indian minors are frequently trafficked for commercial sexual exploitation inside and in neighboring countries like Nepal, Bangladesh and Bhutan. Lies and deception of rich opportunities in cities tempt some people to leave their cities and villages, whereas kidnappers grab others. Many trafficked boys work as industrial employees, household staff, beggars, and farm labourers (Lal, 2021).

International initiatives against children trafficking

- ILO Convention No. 182 (1999) on the **Worst Forms of Child Labour**, "forms of slavery or practices similar to slavery", regardless of the country's degree of development, it must be removed as soon as possible.
- The United Nations adopted the **Universal Declaration of Human Rights in 1948**. The UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, was adopted by the United Nations in 2000.
- Even though the **United Nations Sustainable Development Goal 8.7** requires member states to "take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking, secure prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all forms," this is not the case.
- According to the **Global Slavery Index 2018**, produced by the Australia-based human rights organization The Walk Free Foundation, approximately 8 million individuals in India lived in "modern slavery" on any given day in 2016.

Anti-trafficking Measures in India

Many levels of action are being taken in India to combat child trafficking. On the policy level, the central government's reaction may be seen in the programs it presents, and on a legislative one, in the statutes and modifications it adopts. The creation of state-level institutions and policies to prevent child trafficking has also been proposed. Non-governmental organizations that seek to solve various facets of this issue fill up any gaps in the execution of programs and legislation.

- Human trafficking is expressly prohibited by **Article 23** of India's Constitution. Article 23(1) "Trafficking in human beings is expressly prohibited." **Article 24**, "forbids all types of forced labour and stipulates that no child under the age of fourteen may be employed in a factory, mine, or other dangerous occupation."
- To combat the problem of child trafficking, the Indian government has implemented further legislation and revised the Indian Penal Code (IPC). The Indian Penal Code was updated in 2013 to include additional laws to combat human trafficking in India, which are in line with the UN Protocol to Eliminate, Repress, and Penalize Illicit trade, particularly Women and Children. Twenty-five clauses in the law pertain to human trafficking. The most important of these are **Sections 366A and 366B**, which make "procuring a minor girl under the age of 18 from one part of the country to another illegal;" **Section 366B**, "importing a girl under the age of 21 illegal;" and **Section 374**, which makes "it illegal to force anyone to work against their will. Furthermore, several states have passed legislation to combat child trafficking."
- **The Immoral Traffic (Prevention) Act, 1956**: The ITPA is a rewrite of the 1956 Suppression of Immoral Traffic in Women and Girls Act (SITA). Human trafficking for prostitution was deemed illegal under SITA, and court case was defined against anybody participating in human trafficking in any capacity. The ITPA made legislation more victim-friendly. It also developed a mechanism for rehabilitation trafficking victims and avoid them from becoming slaves anymore. The goal of trafficking is to eliminate underage girls being trafficked for prostitution through an organized livelihood. Among the offences listed in the act are acquiring, such as imprisoning a person in a premises where prostitution is conducted on; prostitution is or accessibility of crowded locations; deceiving or soliciting for prostitution; living off the income of prostitution; seduction of a suspect in possession; and maintaining a brothel or enabling facilities to be used as a brothel.
- In 2018, the Indian government introduced the long-awaited Trafficking of Persons (Prevention, Protection, and Rehabilitation) Bill, which proposes a 10-year to life sentence for individuals who sell people for begging, marriage, prostitution, or work among other things.

- **The Child Labour (Prohibition and Regulation) Act of 1986** prevents “minors from working in specific vocations and establishes child labour rules.”
- **The Information Technology Act of 2000**, establishes “a penalty for publishing or transmitting in electronic form any lascivious material, appeals to prurient interest, or has the effect of depriving and corrupting persons from reading, seeing, or hearing the matter contained therein. The legislation is relevant dealing with issue of pornography. India has also developed a code of conduct for Internet Service Providers to define and uphold high ethical and professional standards in the Internet sphere and associated services.”
- **The Juvenile Justice (Care and Protection of Children) Act of 2000**, “consolidates and reforms the law dealing with juveniles in conflict with the law and children needing care and protection.” The rule is especially crucial for vulnerable children who are more prone to be recruited into human trafficking.

Loopholes in Trafficking Laws in India

The onus has shifted from the state to the judiciary due to the lack of rigor in Indian anti-trafficking statutes and their incapacity to handle the finer nuances of trafficking. The courts must now continue interpreting or reinterpret these statutes, adding to an already overcrowded legal system's workload. Only minors under the age of 14 are considered children under the law. Only dangerous labour is covered, even though children above 14 are frequently trafficked and exploited unlawfully. There is a need for more complex and comprehensive laws (Lal, 2021).

Precautionary Measures

- **Elimination of Child Labour:** As per International Labour Organization (ILO), 168 million children work as child workers globally. The Asia-Pacific area continues to have the most workforces under 5 to 17 age range. Civil society organisations have stated that trafficking of children in India's clothing industry, functioning across all distribution networks in cotton plantations, milling, industries, and residence operations, is significantly greater. According to the Global March Against Child Labour, 100,000 youngsters labour more than 14 hours every day (Sekhon, 2017). NGOs and campaigners have recommended a number of new efforts to help prevent child trafficking and forced labour in the textile industry value chain, notably stricter enforcement of existing laws punishing fraudulent labour recruitment and child labour. Capability of community outreach to alter ingrained cultural ideas away from child labour acceptability; and Investigate credible charges of government participation in child labour, forced labour, human trafficking, or and punish authorities for end criminals' impunity (Iyer, 2021).
- **Involvement of Non-Governmental Organizations:** NGOs are a valuable addition to society. It is a non-profit organisation or set of people, protesters, and volunteer groups who work together to enhance the social progress and wellbeing of society. NGOs protect vulnerable or at-risk communities from human trafficking. Organizations take efforts to protect the uneducated and poor, notably girls and women victims of trafficking. They advise the government on trafficking prevention policies and teach and educate minors about the dangers of trafficking (Kumari, 2014). The initiatives aim to prevent minors from being tricked and trafficked and reduce the difficulties associated with illegal migration, even though NGOs have limited funding and space. They have taken the lead in combating human trafficking despite their limited resources, money, training, and knowledge. Many have served and saved persons in the field of human trafficking. (Kumar, 2021).
- **Quality Education to Every Child:** Education is a key prevention method, and information and education in society may help people avoid becoming victims of human trafficking. India has a low literacy rate despite having the world's largest school system. This is due to a high percentage of dropouts and low enrollment. Parents are not vigilant, knowledgeable, or well educated, the risk of child trafficking due to a lack of education. Education gives lifelong learning and development possibilities, which can help children grow up in a supportive society and environment free of human trafficking (Vashishta, 2020). The road to resolving this problem in India is lengthy since it is firmly established in the system. Still, education is the most powerful instrument that may aid in gradually conquering this issue and reducing child trafficking occurrences in India. Implementing the right laws, having a fair and reasonable legislative system, having access to decent and adequate education, working, and raising awareness about such heinous acts are only a few strategies to address this problem gradually. As responsible residents of the country, it is our responsibility to report such crimes, ensure that everyone receives a decent education, assist child trafficking victims, and create awareness about the issue. The path to solving this challenge is long but not insurmountable (Bhabha, 2018).

Conclusion

The most major barrier to any child trafficking solution is a lack of comprehensive understanding and awareness of the issue. Because of this lack of understanding, there are neither realistic size predictions nor a comprehensive legal framework. Child trafficking in India persists on a vast scale after more than fifty years of laws and initiatives. It's essential to understand that curing indicators without tackling the root causes will have little influence on the situation. We must take a step back and begin afresh by recognizing the victims' vulnerabilities. Millions of people must be lifted out of poverty, but the government and non-governmental organisations are not the only players. The community has an interest in ensuring the safety of its citizens, and the business sector would profit from investing in the potential human resources of its workforce. As a result, the safety system must grow its participation and broaden its scope of protection. The children had had enough of waiting.

Suggestions

Policymaking is critical for long-term societal development, and effective legislation may be extremely beneficial. However, there are no simple answers in a big nation like India due to the problem's complexity. Crime can be avoided by taking a few proactive actions, as advocated by the International Justice Mission. While the globe struggles to cope with the pandemic's immediate effects, the escalating child trafficking epidemic threatens to aggravate poverty, health, and education, with far-reaching ramifications. Based on previous pandemic experiences, the consequences for children in such scenarios might be disastrous and irrevocable. Governments should act quickly to address the humanitarian issue.

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