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# **LEGAL RESEARCH ON CHILD ABUSE AND TRAFFICKING IN INDIA:**

AUTHORED BY - KULDEEP KAUR

## **Abstract**

Every day, thousands of women and children are trafficked. India is a country that is both a transit and a destination in the broader context of trafficking in South Asia. There is some trafficking from India to the Gulf States and Southeast Asia, in addition to a significant amount of trafficking within the country. Within the nation, there is also the sale of children and their trans-state transit. A report released by the National Human Rights Commission of India claims that 11,000 children go missing out of 40,000 kidnappings annually. According to non-governmental organizations, every year, the sex trade involves the trafficking of between 12,000 and 50,000 women and children into the country from adjacent countries. National Commission for Women declared in 1997 In Bombay alone, 40 000 girl between the ages of 10-16 years were selling their bodies from their doorsteps. MAITI Nepal published in September 1999 that there are about 1 to 2 lakh Nepali girls in Indian brothels alone, with about 5-7 thousand being sold every year. Another report suggests that more than 40,000 girls in the Calcutta red light area are Nepalese. But all these figures are related to prostitution; very little information is available on the other forms of trafficking. According to ILO estimates, 21 million people are enslaved or forced into employment. Among them, one in four are said to be younger than eighteen It is believed that 5.5 million children are trafficked globally. They experience abuse, exploitation, and violence, which leads to forced labour, prostitution, begging, and armed recruitment. Approximately one in six of the over 28,800 children that were reported to NCMEC in 2023 were probably the victims of child sex trafficking.

## **INTRODUCTION:**

Children are the nation's greatest human resource, and their well-being health, education, safety, happiness, and access to opportunities is a barometer of the socioeconomic progress of the nation. The article begins by outlining the POCSO Act and its goals, which was introduced in 2012 in response to an increase in crimes against children [23]. According to NCRB data, out of the over 47,000 missing children in India, 71% are girls. Since 2018, there has been a mainly upward trend in the number of reported missing children. According to police and

campaigners, the first 24 hours are critical in investigating such situations. Based on the most recent statistics available, the National Crime Records Bureau (NCRB) in India has reported over 47,000 missing children, of whom 71.4% are underage girls. The NCRB data for the five years leading up to 2022 likewise demonstrates a generally increasing trend in the number of missing children, with a notable increase of 7.5% in 2022 over 2021, a notable spike of 30.8% in 2021 over 2020, a decline of 19.8% in 2020 over 2019 and again an increase of 8.9% in 2019 over 2018 and of 5.6% in 2018 over 2017. Numerous missing children have also been located or tracked down by state officials, but the disparity in the numbers is still unresolved. The NCRB's 2022 annual report, "Crime in India," was made public on December 3. 83,350 children (20,380 male, 62,946 females, and 24 transgender) were reported missing in the year.

### **TYPES OF CHILD TRAFFICKING:**

The transportation, recruiting, transfer, harbouring, and receiving of people by compulsion, threats, or force are all included in the category of human trafficking. The primary aim of these acts is to take advantage of these people for a variety of demeaning uses. This kind of exploitation can take many different forms, such as forced labour, slavery, prostitution, organ trafficking, and sexual exploitation. Human trafficking is a global problem, but it is especially prevalent in some areas, such as Sub-Saharan Africa, Central Asia, and South Asia. The exploitation of children for a variety of reasons constitutes child trafficking, a grave violation of children's rights. Among the various forms of child trafficking are:

1. Human Trafficking
2. Forced Marriage
3. Organ Harvesting
4. Bonded Labour
5. Servitude
6. Sex Trafficking
7. Slavery
8. Child Soldiers
9. Sexual Exploitation
10. Debt Bondage
11. Begging

### **Major Reasons for Child Trafficking**

Child trafficking in India is driven by a combination of factors, including:

**Demand for cheap labour and commercial sexual exploitation:** The demand for child labour in industries like agriculture, construction, and domestic work, as well as for commercial sexual exploitation, perpetuates trafficking. **Social inequalities and discrimination:** Marginalized communities and those facing social discrimination are disproportionately affected by child trafficking. **Poverty and lack of economic opportunities:** Families living in poverty often fall prey to traffickers who promise them a better life for their children. **Illiteracy and lack of awareness:** Limited education and awareness about the dangers of trafficking make individuals and communities vulnerable. The practice of selling children to brothels in certain regions not only supports child trafficking but also perpetuates traditional and religious customs such as Jogan and Devadasi, where young girls are dedicated to deities. Child trafficking has become the third most profitable criminal industry worldwide, following drugs and weapons. The allure of high financial returns with minimal investment makes it an attractive enterprise for criminal syndicates.

#### **Various International Initiatives to Address this issue**

- The United Nations Global Initiative to Fight Human Trafficking (UN GIFT) was created to promote global efforts against human trafficking based on UN agreements.
- The UN Convention on the Rights of the Child (CRC) was established in 1989, In 2000, India signed the Palermo Protocol, which provides a clear definition of trafficking to aid in combating it.

#### **Laws and Regulations Made by the Government of India**

The Government of India has enacted several laws and regulations to address child trafficking and provide legal protection to children. Some key legislations include:

- **The Protection of Children from Sexual Offences (POCSO) Act, 2012:** This act specifically deals with sexual offenses against children and provides for their protection during investigation and trial.
- **Bonded Labour System (Abolition) Act, 1976:** This act prohibits bonded labour, which is often linked to child trafficking.
- **Immoral Traffic (Prevention) Act, 1956 (ITPA):** This law criminalizes trafficking for the purpose of commercial sexual exploitation and provides for the rescue, rehabilitation, and repatriation of victims.



- **Juvenile Justice (Care and Protection of Children) Act, 2015:** This act focuses on the care, protection, and rehabilitation of children, including provisions for the prevention and control of trafficking.

**Protection of Children from Sexual Offences (POCSO) Act of 2012** addresses sexual crimes committed against individuals under 18 years old, who are legally considered children.

- The Act introduces definitions for **“penetrative sexual assault,” “sexual assault,” and “sexual harassment.”**
- The **severity of the offense increases** if it is committed by a police officer, public servant, or staff member at a remand home, protection or observation home, jail, hospital, educational institution, or member of the armed or security forces.
- The Act, enforced since November 14, 2012, along with its accompanying regulations, serves as **a comprehensive law aimed at protecting children from sexual assault, harassment, and pornography.**
- It also ensures the child’s interests are safeguarded throughout the legal process, incorporating **child-friendly mechanisms for reporting, evidence recording, investigation, and speedy trials through the appointment of Special Public Prosecutors and designated Special Courts.**
- The Act incorporates procedures that are friendly to children for reporting, recording, investigating, and prosecuting offenses.

#### **How to Stop the Menace of Child Trafficking in India?**

- To effectively combat child trafficking in India, a multi-faceted approach involving various stakeholders is required
- **Improve socioeconomic conditions:** Address poverty and unemployment through poverty alleviation programs, skill development initiatives, and social welfare schemes.
- **Strengthening inter-agency collaboration:** Foster cooperation between government agencies, law enforcement, NGOs, and international organizations to enhance information sharing and joint operations.
- **International cooperation:** Collaborate with other countries to combat cross-border trafficking networks and improve intelligence sharing.
- **Establish safe migration practices:** Strengthen regulation of recruitment agencies and ensure safe migration processes to prevent trafficking during movement.

- Enhance victim support and rehabilitation: Establish comprehensive victim support mechanisms, including counselling, medical care, and vocational training for survivors.
- Strengthen law enforcement: Enhance training and capacity building of law enforcement agencies to effectively investigate and prosecute child traffickers.
- Raise awareness and education: Conduct awareness campaigns to educate communities about the dangers of child trafficking and promote the importance of education.

## Conclusion

Child trafficking is a distressing reality in India, with numerous children falling victim to exploitation and abuse. The major reasons behind child trafficking include poverty, lack of awareness, demand for cheap labour, and sexual exploitation, as well as social inequalities. The Government of India has enacted laws and regulations to combat this heinous crime. Despite the existence of laws and initiatives, the prevalence of trafficking crimes remains alarming.

It is necessary to enhance community-based interactions and raise awareness on this issue. Measures such as community-based rehabilitation programs and a review of existing laws to address loopholes should be taken. Tackling poverty-driven child labour requires creating more job opportunities for families, enabling children to attend school. In order to protect victims, prosecute perpetrators, and foster global collaboration, technical assistance, and cooperation need to be strengthened.

Effective exchange of data is crucial, both domestically within administrations and between organizations such as the police and NGOs, as well as across different nations. Overall, to effectively combat the threat of human trafficking, it is imperative to enhance the capabilities of law enforcement agencies and NGOs working in this field.

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