



IMMORAL TRAFFICKING OF WOMEN AND CHILDREN*

INTRODUCTION

India is a source, destination & transit for men, women and children trafficked for the purposes of forced labour and commercial sexual exploitation. Internal forced labour may constitute India's largest trafficking problem. Men women and children are held in debt bondage and face forced labour working in brick kilns, rice mills , agriculture & embroidery factories. While no comprehensive study of forced & bonded labour has been completed, NGO'S estimate this problem affects 20-65 million Indians.

Women & girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriage especially in those areas where the sex ratio is highly skewed in favour of men. Children are subjected to forced labour as factory workers, domestic servants, beggars & agriculture workers & have been used as armed combatants by some terrorists and insurgant groups. India is also a destination for women and girls from Nepal & Bangladesh trafficked for the purpose of commercial sexual exploitation. Nepali children are also trafficked to India for forced labour in circus shows. Indian women are trafficked mostly to Middle East for commercial sexual exploitation.

There are also victims of labour trafficking among the thousands of Indians who migrate willingly every year to Middle East Europe & the US for work as domestic servants and low skilled labourers. In some cases such workers are victims of fraudulent recruitment practices that lead them directly into situations of forced labour including debt bondage. The high debts leave them vulnerable to exploitation by unscrupulous employers in the destination country where some are subjected to the conditions of involuntary servitude, non-payment of wages, restrictions on movement , unlawful withholding of Passports, & physical and sexual abuse.

GLOBAL SCENARIO -

Trafficking of women and girls affects all regions of the world and does not discriminate between developed and developing areas. "Four million people around the world fights against human trafficking are a matter of life and death" (Migiro 2008). In the last 30years, trafficking in women and children for sexual exploitation in Asia alone has victimized more than 30 million people. According to estimates by the United States government, trafficking involving

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one million people is going on across international borders every year(Shahare 2005)¹. The UN office on drugs and crime has identified 127 countries as sources oftrafficked people and 137 nations as destinations for these victims (Kerim 2008)².

INDIAN SCENARIO -

As said earlier, India is a source, a transit and a destination country of women, children and men trafficked for the purposes of sexual and labour exploitation. Kolkata and Mumbai are the major transit point of India for other destination. Every day 200 girls and women in India enter prostitution, 80 percent of them against their will (Ranjan 2005)³. The number of women and children in sex work in India is stated to be between 70,000 and 1million (Lodhi 2007)⁴. Every year between 5000 and 7000 Nepalee girls are trafficked into the red light districts in Indian cities (Abraham 2001)⁵. Andhra Pradesh stands first in the supply of women to flesh trade all over India. It contributes 30 percent to the total number of prostitutes in India.

MODUS OPERANDI OF TRAFFICKING -

Trafficking in women and children has become an increasingly lucrative business especially since the risk of being prosecuted is very low. Women and children do not usually come to the brothels on their own will, but are brought through highly systematic, organized and illegal trafficking networks run by experienced individuals who buy, transport and sell children into prostitution.

Traffickers tend to work in groups and children being trafficked often change hands to ensure that neither the trafficker nor the child gets caught during transit. Different groups of traffickers include gang members, police, pimps and even politicians, all working as a nexus. Trafficking networks are well organized and have linkages both within the country and in the neighbouring countries. Most traffickers are men. The role of women in this business is restricted to recruitment at the brothels.

1. Children :

Children are obtained from vulnerable areas. Trafficking network is well laid from the source point to the destination point. The undercover agents, invariably the local residents, work at the local level who gathers information about possible victims in the neighbourhoods. They keep abreast of happenings inside the distort households. They make plans when and how to hunt the vulnerable girls for depositing at the next middlemen posted in the chain for full proof trafficking. The grass-root agents look for families trapped in inescapable poverty, surely to

¹Shahare, Virendra B. 2005. "Tourism and trafficking: Women and children under exploitation." Women's Link 11(4): 33-36

²Kerim, Srgjan. 2008. "Human Trafficking: Modern – Day slavery." Indian currents, 9-15 June, 28-29.

³Ranjan, Namrata. 2005. "Trafficking of Women & Girls : Situational analysis." Women's link 11(4): 15-18.

⁴Lodi, Anita. 2007. "Review of literature." In trafficking in women and children in India, edited by P.M. Nair, 16. New Delhi: Orient Longman Private limited.

⁵Abraham, Shahaja. 2: 2001. Going Nowhere- Trafficking of women and children in international sex trade. New Delhi: Dominant publishers and distributors.

swallow the bait. The economic adversities of these families are further deepened also in the absence of opportunity of migration to other places to eke out living.

The local swindlers appear at the doorsteps in the guise of messiah. They offer good jobs and bright prospects for the children in far off places along with promise of monthly remittance. Parents unhesitatingly accept the offer and concede to part with their children. Children's are brought to the nearest railway station on the date of journey, arrangement for which was meticulously done well ahead. Children are then deposited with the recruiters at the final destination to be put up ultimately with surreptitious employment agencies in the cities. On arriving at new places they start working from the day one. Money is remitted to parents in the beginning for some times and thereafter it ceases to come. Children are not kept at the same place for long; they have to move from one place to another very frequently.

2. Girls:

Boys are preferred in certain categories of work while girls are chosen for other categories that require specific dexterity which boys generally lack. For example: child domestic service is female work where boys rarely excel & girls pickup the skill at home from early childhood. People would like to keep girls as domestic help to run their nuclear households. Thus the huge demand for minor girls cannot be met by the available supply in and around the cities. Girls are brought from the villages to meet the growing demand.

3. Girls trafficked into prostitution :

In almost all the cases, a person well known to the victim, a remote relative, friend, acquaintance, or in some cases the potential husband facilitates the process of trafficking. The agents are known to marry women legitimately before taking them away to be sold. It has been observed that more often than not, women relatives or acquaintances are used for recruitment, since they are less likely to have suspicion cast on them. Ghosh's study estimated that Nepali children constitute 20 per cent (40,000) of the approximately 2,00,000 Nepalese commercial sexual workers in India. Young girls are trafficked from economically depressed neighbourhoods in Nepal and Bangladesh to the major prostitution centres in Delhi, Mumbai and Calcutta. Social workers have reported encountering children as young as nine in Kamathipura, a red light area in Mumbai.

CAUSES OF TRAFFICKING :

1.Poverty & illiteracy: As referred to earlier, the poverty is the main economic factor responsible for prostitution. A woman who is unable to get any gainful employment and who has no supporter must either starve to death or earn her livelihood through prostitution. The illiterate, the semiliterate women cannot easily get employment. More often than not they have to sexually gratify their prospective employers. Many parents feel so utterly helpless that they prostitute their own children. The maid servants are after objects of the lust of their employers. The concept of poverty however is relative. Woman may prostitute herself in order to live well and give first-class education to her children.

2. The Social Causes: The social causes are extremely important factors in encouraging and promoting prostitution. The social factors are comprised of:

- a. Family causes,
- b. Marital factors,
- c. Bad neighbourhood and
- d. Illegitimate motherhood.

Family Factors- A study of London Prostitutes published as Women of the Street reveals that most of the prostitutes are connected with family troubles. Their parents were either living separately or their family relations were so strained that as children they were left to their own machinations and received no love. An unloved child when she grows up offers all of herself to any one showing any degree of love and affection.

The children of criminals show a marked tendency to become prostitutes. If the mother is characterless and has to carry her clandestine liaisons, she rarely escapes the eager eyes of her daughter. Often it happens, that a man sleeping with mother succeeds easily in seducing the daughter.

PURPOSES OF TRAFFICKING -

1. Prostitution :

It is India's most ancient form of business which is prevalent from many centuries. It includes trafficking of children, boys & girls. The chain of trafficking includes spotters who spot the victim then the buyer who buys the child for the first time, then the transporter transports the child to the brothel keeper. The pimps are the leaders of brothels. The pimps take the girls to the clients for prostitution. Hence, this chain of trafficking of prostitution is a whole organised crime right from the beginning till the end. It is an open secret of this world.

While sex trafficking often grabs the headlines and attention, there are many other ways in which women & girls are forced into lives of prostitution. No matter how a girl enters into prostitution, whether she is responding to the pressures of her circumstances or is actually coerced. The experience leaves a lasting imprint on her future.

Economic necessity, lack of employment options, drug addiction or coercion by family, pimps or traffickers are all factors that can force women in the sexual slavery.

BudhwarPeth, Pune :

Pune is considered to be a cultural city in Maharashtra as well as it has been as the Oxford of the East by Jawaharlal Nehru. But, there is also a dark side of this city named as BudhwarPeth for children and girls trafficked for prostitution. BudhwarPeth is in fact India's third largest Red Light District, after Mumbai & Kolkata. And Mumbai's Kamathipura area is rumoured to be Asia's largest, larger even than Bangkok. Pune is also known as the source, transit & destination for trafficking. Some of the rescue operations are as follows –

- i. Andhra Police with the help of Social Security cell of Pune & Faraskhana Police station situated adjacent to the Brothel area rescued 37 girls on February 5th 2014, from which 10 were minor & were trafficked for prostitution.
- ii. Interstate sex racket was bursted on January 29th 2013 by crime branch of Social Security Cell which rescued 12 girls from which were from other countries including Nepal & Bangladesh.

From these cases it can be found that there is cross-border and interstate trafficking which makes it third largest Red Light District in India.

Case studies :

Gaurav Jain vs. Union Of India, the Supreme Court passed an order directing, inter alia, the constitution of a committee to make an in depth study of the problem of prostitution, child prostitutes & children of prostitutes, & to evolve suitable schemes for their rescue & rehabilitation. Taking note of the fact that “children of prostitutes should not be permitted to live in the inferno & the undesirable surroundings of prostitute homes, the Apex court issued direction to ensure the protection of human rights of such persons.

Some statistical data by *National Crime Records Bureau*⁶ of the year 2013 in Chapter 6A says,

Procurement of minor Girls (Sec. 366A IPC) (Incidence: 1,224): A total of 1,224 cases were reported in the year 2013 as compared to 809 such cases in 2012, showing an increase of 51.3% over 2012. West Bengal has reported 486 such cases indicating a share of 39.7% at the national level followed by Bihar (193 cases) (15.8%) and Assam (129 cases) (10.5%). A mixed trend was observed in these cases during the last four years. Details are given in Table 6A(A) and Table 6A(C).

Selling of Girls for Prostitution (Sec. 372 IPC) (Incidence: 100): 100 cases of selling of girls for prostitution were reported in the country during 2013 against 108 such cases in 2012, thus indicating a decrease of 7.4% over 2012. West Bengal has accounted for 69.0% (69 cases out of 100 cases) of the total cases of selling of girls for prostitution reported in the country.

Buying of Girls for Prostitution (Sec. 373 IPC) (Incidence: 6): 6 cases of buying of girls for prostitution were reported in the country during the year 2013. This indicates a 60.0% decrease in the incidence over 2012 when 15 cases were reported in the country. Jharkhand and Maharashtra (2 cases each) together accounted for 66.7% cases reported in the country.

Immoral Traffic (Prevention) Act, 1956 (Incidence: 2,579 Rate: 0.2): Cases under this Act have registered an increase of 0.6% during the year 2013 as compared to the previous year (2,563 cases). 21.3% (549 cases out of 2,579 cases) of such cases were reported in Tamil Nadu while Andhra Pradesh has accounted for 19.0% (489 out of 2,579 cases) of such cases. Among UTs, Delhi has reported the highest number of such cases (20 out of 2,579 cases).

2. Child Labour :

Childhoods are manifestly differentiated in this world & these are caused by differences in circumstances in which children are born and grown. The qualities of childhood differ across nations. The example of India can be cited as a theatre of these widely divergent childhoods. This contrast is in tune with existence of two India's : one is Bharat populated by suffering Indians & the other part consists of Affluent Indians. This wide gap between rich & poor leads to child Labour in poor families.

Ref. of BachpanBachaoAndolan – Landmark Judgement of the Supreme Court :

⁶(Crime rate: 0.3) NCRB reports 2013 reports : Chapter 6A

BachpanBachaoAndolan has been able to liberate thousands of children with the help of the judiciary and the executive as well as through persuasion, social mobilization and education. It came to know about the plight of children in Indian circuses way back in 1996. At that time, the organization had rescued 18 girls from a circus performing in Vidisha District of Madhya Pradesh. This was possible after a complaint made by a 12 year old girl, who managed to escape from the circus premises.

Her complaint was that she and several other Nepalese girls had been trafficked and forced to stay and perform in the circus where they were being sexually abused and were kept in most inhuman conditions. Following this incident, an organized attempt was made by the organization understand and learn more about the problem of child labour in Indian Circuses and how to eradicate the same. This began in July 2002 with the initiation of a research on the problem of child labour in Indian circuses. The findings in the abovementioned research were compiled in a report termed "Eliminating Child Labour from Indian Circuses".

It was further found that life of these children begins at dawn with training instructors' shouting abuses, merciless beatings and two biscuits and a cup of tea. After 3 to 5 shows and of lot of pervert comments of the crowds, the young girls are allowed to go back to their tents around midnight. Even then, life might have something else in store, depending upon the nature and mood swings of the circus owners and managers.

If any child complains about the inadequate amount of food or the leaking tent in the rain or if a child is scared on the rope while performing the trapeze, he or she is scolded and maltreated by the managers or employers and sometimes even caned on one pretext or the other.

Further as the operation went on making focus on the secret chain of traffickers trafficking children's and their harassment and thousands of children's were rescued from the jail of circuses in India.

REMEDIAL MEASURES :

Role of Government -

Central Adoption Resource Agency (CARA):

It is an autonomous body under the Ministry of Women and Child Development to promote in-country adoption and regulate inter-country adoption. CARA also helps both Indian and foreign agencies involved in adoption of Indian children to function within a regulated framework, so that such children are adopted legally through recognized agencies and no exploitation takes place.

National Child Labour Project (NCLP) for rehabilitation of child labourers:

Under the Scheme, project societies at the district level are fully funded for opening up of Special Schools/Rehabilitation centers provide non-formal education, vocational training, supplementary nutrition, stipends, etc. to children withdrawn from employment.

The government has introduced two schemes namely **SWADHAR** scheme & **UJJAWALA** scheme for the benefit of the women & children in the society who has faced the societal boycott.

1. Swadhar scheme is central sector scheme which provides holistic & integrated services to women in difficult circumstances such as Destitute widows, Women prisoners released from jail and without family support, Women survivors of natural disasters, Trafficked women or girls rescued from Brothels or other places or victims of sexual crime, etc. The scheme is implemented through Voluntary Organisations. The scheme also supports a helpline for women in distress, counselling center, training center & medical center.
2. Ujjwala Scheme is A Comprehensive Scheme for Prevention of Trafficking and Rescue, Rehabilitation and Re- integration of Victims of Trafficking for Commercial Sexual Exploitation.

Role of Legislature and International Organisations

International convention for the suppression of traffic in women (1921) prohibits the enticing or leading away of a woman for immoral purposes, to be carried out in another country.

Article 6 of the convention on the elimination of all forms of discrimination against women (CEDAW) (1979) requires state parties to take all appropriate measures including legislation to suppress all forms of traffic in women. United Nations convention against torture and other cruel, inhuman or degrading treatment or punishment (1984) provides against the expulsion or return of a person to another state if there are substantial grounds for deeming him/her to be in danger of torture.

SAARC convention on preventing and combating the trafficking in women and children for prostitution (2002) enhances the gravity of the offence. World congress against the commercial sexual exploitation of children (1996) were to award high priority and adequate recourses for action against the commercial sexual exploitation of children, promote stronger cooperation among all sectors and strengthen the role of families protecting children, ensure the revision and enforcement of laws, and to advocate the development and implementation of gender sensitive prevention and reintegration programs.

The Honolulu Declaration (2002) recognizes the need to address the structural causes of trafficking and the forms of exploitation and poverty as its roots. The mobilization of a broad coalition was envisaged, bringing together concerned agencies, organizations and individuals to combat trafficking at local, national, regional and international levels.

Constitutional provisions relating to immoral trafficking:

Trafficking is prohibited by the Indian constitution. The right against exploitation is a fundamental right guaranteed by the constitution of India under **Article 23 (1)** which provides that “traffic in human beings and similar forms of forced labour are prohibited and any intervention of this provision shall be an offence punishable in accordance with law”. In 1950 the government of India ratified an international convention for the suppression of immoral traffic in persons and the exploitation of the prostitution of others. Indian constitution upholds the principles of humanism, social and economic justice, dignity of the individual together with equal opportunity and equal protection of law for all its citizens.

Article 39 (c) of the constitution directs that “the health and strength of women and the tender age of children shall not be abused and citizens shall not be forced by economic necessity to enter into avocations unsuited to their age or strength.” **Article 39 (f)** directs that children

should be given opportunities and facilities to develop in a healthy manner and conditions of dignity so that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 51 casts a duty upon every citizen and “a fortiori” on the state itself, to eliminate practices derogatory to the dignity of women, to develop humanism and practice compassion. Our constitution thus, guarantees right to live with dignity of women, to develop humanism and practice compassion. Our constitution thus, guarantees right to live with dignity on the one hand and exhorts the state to protect women and children from exploitation on the other.

The Indian Penal Code, 1860 :

The Indian Penal Code and the Immoral Traffic Prevention Act (1986) provide for strict actions against persons who drag children into flesh trade. Immoral trafficking prevention act (ITPA) Amendment bill (2005) states that the clients who visit the sex workers can be fined up to Rs. 5000 and jailed for six months. The Indecent Representation of Women (prohibition) Act, (1986) puts a restriction on the publishing or sending by post of books and pamphlets containing indecent representation of women and prohibits all persons from getting involved directly or indirectly in the publication or exhibition of any advertisement containing indecent representation of women in any form.

Though a plethora of laws, conventions and bills have passed in international, national and regional level by the international bodies, government, non-governmental organizations and individuals to curb the problems of trafficking still trafficking of women and girls are escalating in alarming way in different parts of the world.

Human rights violations and its impacts on trafficked women and girls :

Right not to be subjected to torture to cruel or degrading treatment or punishment: Though Article 23 of Indian constitution and Article 5 of Universal Declaration of Human Rights (UDHR) prohibit trafficking of human persons and torture, the trafficked women and girls are subjected to violation of their rights.

Right to liberty, security, freedom of expression: Trafficked women are denied of their liberty, security, expression because they are controlled under the network of traffickers as well as the norms and belief system of the society.

Denied their right to practice religion: Though article 25 of the Indian Constitution propagates freedom to practice their religion, trafficked women and girls are not allowed to express their religious sentiments. They are treated beyond their religious practices, beliefs and forced to go beyond their conscious.

Role of police :

The Indian Government has to curb trafficking in the country has introduced a specialized trained team to fight against traffickers, pimps, etc. known as Anti human Trafficking Unit (AHTU)⁷ which is wholly funded by government. The special police officers which work for this purpose are from crime branch departments. There are many rescue operations to their credit, one of them which has the highest number of rescued victims was conducted in Mumbai in the year 2011. In this case 115 victims were rescued & 30 traffickers including 16 brothel keepers and 14 pimps were arrested.

⁷ Presentation by Smt. Smita Ohatker, IPS Nodal officer Anti Human Trafficking & Spl. IGP, PAW, CID, Maharashtra state (Pune).

Role of an individual :

As it is rightly said “*Charity Begins At Home*” one should start the charity at home. By this proverb I mean, that a person should start respecting women from their very early age that means from their childhood they should be taught to respect women of their own households first. They shouldn't be taught to differentiate between genders. The victims of trafficking or prostitutions deserve equal treatment from the society and also a life with dignity and pride. The society must have a sympathetic attitude towards them so that they won't be harassed again & again.

Conclusion :

Gazing through the facts of human rights violations against trafficked women, it calls all of us to an urgent intervention. There is a lot of scope for those involved in social work specially for women. There should be interstate co- ordination so that the children trafficked from outside may be saved from the evils of human trafficking. All the states should help each other in order to make India a safer place to live in without any threats and violation of any of the fundamental rights of the common people at the hands of the rich.

There should also be interdepartmental co ordination so that there is no delay in providing justice to the victims of such crimes. Co- ordination from the side of NGO's and consulates is also expected so that they can help these victims to again adjust in the society and live a life of dignity and pride. There should also be counselling sessions for the parents of such victims to help their children live a healthy life ahead. NGO's can also provide education and awareness to the children of prostitutes especially so that they don't tempt to go into prostitution as their parents are. They should be kept away from this work.

There should also be a holistic approach towards such childrens on the side of law enforcement agencies. There should be sensitive investigation of such crimes keeping in mind the psychologies of the victim involved. Also there should be a victim friendly approach by these agencies. Lastly, there should be coordination between the Police, Judiciary, Prosecutors and NGO's.

In the end I would like to end with a quote of Mahatma Gandhi, he once said, “it is a matter of bitter, shame and sorrow and deep humiliation that the numbers of women have to sell their chastity for men's lust. Man; the law giver, will have to pay a dreadful penalty for the degradation he has imposed upon the so called weaker sex. When woman are freed from man's snares they rise to the full height and rebel against man's legislation and institution designed by him, her rebellion, no doubt, nonviolent, will be nevertheless effective.”

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