

THE CHILD ACROSS THE STREET: ACKNOWLEDGING AND COMBATING CHILD TRAFFICKING

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ABSTARCT

Mahatma Gandhi says, "If we are to teach real peace in this world, and if we are to carry on a real war against war, we shall have to begin with the children." But due to increasing Child Trafficking in India, the future of children of India seems to be not so bright. And at the same time the society has to bear the evil consequences of this curse. Through this article we intend to give the circumstances in which child trafficking is increasing and various challenges and problems that have emerged due to this particular issue, like violence, sexual exploitation, etc. The legislations which are present in various states and made by the parliament are also discussed. The response of the government, i.e. what steps are taken by the government to combat the issue of child trafficking has also been discussed. A study on the response of Police officers, which is not that up to the mark, and the role of NGOs and the private organization in eradicating child trafficking has also been included in detail. In all through this article, we have tried to highlight the major issue of Child trafficking and the various ways through which it can be eradicated. The required efforts to overcome these problems are proposed. Finally we conclude that the proposed solution may be found worthy in overcoming the challenges that have emerged due to the child trafficking.

1. INTRODUCTION

"What is a child worth? Is it worth sexual abuse, forced labor, beggar, prostitution, or, is it worth free education, health, protection, survival and

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development. It is a widely accepted fact that children's are the most important asset of any nation. The problem of child abuse and child rights violation is prevailing on a large scale all over the world including India out of which trafficking is the most emerging cause in the present era”

Trafficking in general means a trade which is illegal. Human trafficking is a crime involving the cheating or deceiving of people into sexual servitude or labor for the purpose of their exploitation. Article 3, paragraph (a) of the **Protocol to Prevent, Suppress and Punish Trafficking in Persons** defines Trafficking in Persons as

“The recruitment, transportation, transfer, harboring 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..”¹

It can be for any reason, whether social, economic or political. That is the reason why we have the terms like drug trafficking, arms trafficking and child trafficking. Child trafficking specifically means, *“A child has been trafficked if he or she has been moved within a country, or across borders, whether by force or not, with the purpose of exploiting the child.”²*

Child trafficking refers to the criminal practice of exploiting children by treating them like commodities for profit. It is a critical violation of cannons of human rights that are absolute to all of us. It can be seen to have been in practice since 16th century and in

¹United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, article 3(a), 2000, available at <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (Last visited April 19, 2015, 10:04 AM)

² International Labour Organisation, The programme Towards the Elimination of the worst forms of Child Labour (TECL), Available at http://www.unicef.org/southafrica/SAF_pressrelease_notetrafficking.pdf (Last visited May 5, 2015, 14:39 PM)

almost all civilizations and cultures throughout history, and sadly it has not come to an end till now.³

Despite hectic planning, welfare programs, legislation, and administrative action in the past 60 years, a greater part of the Indian children continue to remain in misery and turmoil. In most families, the parents neglect them, caretakers batter them and in the workplaces employers sexually abuse them. Though this problem of emotional, sexual and physical abuse of children in India is increasing, it has failed to capture the attention of sociologists and psychiatrists in our country. The public and the government also are yet to recognize it as a serious problem. Public indignation and professional concerns is yet to be translated into positive and realistic action.⁴

³ Johnny E. McGah, “Where are the victims? The credibility gap in Human Trafficking Research” , Oxford Press, 2004. Pg 197.

⁴ Ram Ahuja, *Social problems in india*, Rawat Publications, Jaipur, 2014, pp. 236.

2. CHILD TRAFFICKING: INDIA'S SILENT DISGRACE

Trafficking in India generally routes from Bangladesh, Nepal and internally, as well. The victims, however, are sold or transferred for being exploited. The demand of Trafficked children generally comes from the commercial sector, be it for prostitution, sex tourism, bar dancer, labor exploitation, pornography, etc. This trafficking has a heavy cost to pay. Trafficked children's are vulnerable to HIV/AIDS infection, malnutrition, drug addiction, high risk abortions and teenage pregnancies. It has become a threat to society as well because it involves not only criminals, but law enforcers as well. Traffickers not only include strangers and unfamiliar persons, but also include family, guardians, institutions and relatives. Despite the fact that Constitution of India itself prohibit trafficking and various other laws have been enacted protecting children's right, judiciary being instrumental in initiating government action on this issue, various government policies and plans have been framed, several NGO's have been setup to deal with these problems; still the fact remains that trafficking not only exist has also acquire grave dimensions worldwide in the context of globalization. The concern of prevention and redressal is not an easy task and has become more difficult because of its connection with other extreme forms of exploitations. This requires a much greater effort on the part of the Government which, of course, cannot be done with the help of media and people, and should remove the restrictions and limitations on the NGO's, which the traffickers take advantage of.

Traffickers are the web of players that make trafficking hierarchy. They are the key link to the supply of trafficking which consist of players who start their journey from spotting to the exploitation. Trafficking hierarchy consist of several tiers, i.e., master trafficker cum kingpin, Primary traffickers cum procurers, Secondary Traffickers and 'Spotters' or the chain of intelligence gatherers.⁵ They include transporters, service providers, recruiters, intermediaries, document providers, corrupt officials and employers of trafficked children. Some of them are those who mainly take part in providing the information to the traffickers about which is the best time for the movement of the people, which increase specially cross-border trafficking. Cross border trafficking is

⁵ P.M. Nair, *Trafficking in Women and Children in India*, Orient Longman Pvt. Ltd, Hyderabad, 2007, pp. 45-48

mainly enhanced by the support of the corrupt border guards and the immigration officers. Private sector organizations also, in the war of profit making, shifted from consumer welfare to consumer trafficking. The most vigilant example, that need to be quoted is of the transport sector, which include companies involved in recruitment and work placement (including agencies for temporary employment), and tourism-related industries such as hotels and entertainment. Apart from all these, it's a shame that, the corrupt police, government officers, politicians, etc. are also involved in this crime, and those, under the veil of government servant, enhance it and take it to the next level. The entry into the murky world of trafficking was either due to the early established links with the traffickers or brothel owners or, even they have inherited this murky business from their parents, guardians or persons with whom they were living.⁶

It is generally believed that trafficking takes place from developing to developed region. If we talk about India, it is a destination, source and a transit point. The two main suppliers to India are Nepal and Bangladesh. Illegal entry of the Trafficker between the border of Bangladesh and West Bengal is a matter of daily routine. With regard to the Indo-Nepal trafficking, under the 1950 treaty with India, citizens of each country are guaranteed equal treatment, including the same privileges in the matter of residence, participation in trade and commerce. This means that in practice there is no immigration control of *Nepalese* travelling or migrating to India, and hence no records are maintained.⁷ In India, the ratio of interstate trafficking is much more than the trafficking from Bangladesh and Nepal. Children's are trafficked from the rural areas to the metropolitan cities like New Delhi, Mumbai, Bangalore, Hyderabad, etc. The very specific case of baby trafficking happens both within countries and across borders. Babies may be acquired through agents. In some cases these agents effectively buy them from individuals or families who do not want them or cannot support them, or in some cases they may be 'produced on order' from adolescents or young women who see this as a way to earn enough money to survive.

⁶ S, Kailash, Z. Bupinder, "Globalization, Development and Child Rights." New Delhi: Shipra Publications, 2006, pp. 71-72

⁷ P.M. Nair, *Trafficking in Women and Children in India*, Orient Longman Pvt. Ltd, Hyderabad, 2007, pp.

3. DESTINATION SECTORS

The demand of trafficked persons mainly come from commercial sector. However other sectors also influence this demand. The most evil sector is for the Commercial Sexual Exploitation (CSE) which mainly take place in the form of pornography, prostitution, sex tourism and cybersex. The concept of prostitutes is not new to India, which used to take place under the name of *devadasis* and *jogin*. Some communities induct their daughters and sons, into this profession, which usually belong to the most disadvantaged section of society. Sex tourism has deliberately increased due to the growth of tourism industry. Hotels have contract with the adult sex worker, traffickers, which include rickshaw puller, petty traders, etc., which make contact with the children's, aiming to exploit them. They may be trafficked for performing other illegal activities, which include child labor, peddling, organ trading, forced marriages, begging, adoption, exotic dancing or circus.⁸

Child trafficking has a significant negative impact, first and foremost on the trafficked children and their families, but also on their communities and on the nation as a whole. A thorough understanding of the human and economic costs should provide the arguments for the allocation of sufficient government resources to address child trafficking effectively, and to mobilize all those who can make a difference.

⁸ Joan Fitzpatrick, “*Trafficking as a Human Rights Violation: The Complex Intersection of Legal Frameworks for Conceptualizing and Combating Trafficking*”, 24 *MICH. J. INT’L L.*, 2003, Pp.1144–46

4. LEGAL PROVISIONS TO HANDLE CHILD TRAFFICKING IN INDIA

4.1 Constitution of India

- Article 23 of the Constitution Guarantees right against exploitation; prohibits traffic in human beings and forced labor and makes their practice punishable under law.
- Article 24 of the Constitution Prohibits employment of children below 14years of age in factories, mines or other hazardous employment.

4.2 Indian Penal Code, 1860

- Section 366A – procurement of a minor girl (below 18 years of age) from one part of the country to the other is punishable.
- Section 366B – importation of a girl below 21years of age is punishable.
- Section 374 – provides punishment for compelling any person to labor against his will.

4.3 Immoral Traffic (Prevention) Act, (ITPA) 1956

In 1950 the Government of India ratified the International Convention for the Suppression of Immoral Traffic in Persons and the Exploitation of the Prostitution of others. In 1956 India passed the Suppression of Immoral Traffic in Women and Girls Act, 1956 (SITA). The act was further amended and changed in 1986, resulting in the Immoral Traffic Prevention Act also known as PITA. PITA only discusses trafficking in relation to prostitution and not in relation to other purposes of trafficking such as domestic work, child labor, organ harvesting, etc. The offences specified are:

- Procuring, including or taking persons for prostitution;
- Detaining a person in premises where prostitution is carried on;
- Prostitution is or visibility of public places;

- Seducing or soliciting for prostitution;
- Living on the earnings of prostitution;
- Seduction of a person in custody; and
- Keeping a brothel or allowing premises to be used as a brothel.

4.4 Child Labor (Prohibition and Regulation) Act 1986

Prohibits employment of children in certain specified occupations and also lays down conditions of work of children.

4.5 Information Technology Act. 2000

Penalizes publication or transmission in electronic form of any material which is lascivious or appeals to prurient interest or if its effect is such as to tend to deprive and corrupt persons to read, see or hear the matter contained or embodied therein. The law has relevance to addressing the problem of pornography. India has also adopted a code of conduct for Internet Service Providers with the objective to enunciate and maintain high standard of ethical and professional practices in the field of Internet and related services.

4.6 Juvenile Justice (Care and Protection of Children) Act, 2000

Enacted in consonance with the Convention on the Rights of the Child (CRC); and Consolidates and amends the law relating to juveniles in conflict with law and to children in need of care and protection. The law is especially relevant to children who are vulnerable and are therefore likely to be inducted into trafficking.

4.7 Karnataka Devadasi (Prohibition of Dedication) Act, 1982

Act of dedication of girls for the ultimate purpose of engaging them in prostitution is declared unlawful – whether the dedication is done with or without consent of the dedicated persons.

4.8 Andhra Pradesh Devadasi (Prohibiting Dedication) Act, 1989

Penalty of imprisonment for three years and fine are stipulated in respect of anyone, who performs, promotes, abets or takes part in Devadasi dedication Ceremony.

4.9 Goa Children's Act, 2003

Trafficking is specially defined; Every type of sexual exploitation is including the definition of sexual assault; Responsibility of ensuring safety of children in hotel premises is assigned to the owner and manager of the establishment; Photo studios are required to periodically report to the police that they have not sought obscene photographs of children; Stringent control measures established to regulate access of children to pornographic materials.

4.10 Other Laws protecting Child Rights

- The Protection of Children from Sexual Offences Act 2012
- The Right of Children to Free and Compulsory Education Act, 2009
- Bonded Labor System (Abolition) Act, 1976
- Factories Act, 1948
- Pre-natal Diagnostic Techniques Act, 1994
- Persons with Disabilities Act, 1995
- Prohibition of Child Marriage Act, 2006
- Guardians and Wards Act, 1890
- Hindu Adoption and Maintenance Act, 1956
- Right to Food Legislation and Children

5. JUDICIAL RESPONSE

When the judiciary, under the guise of interpreting the law, goes a step beyond, and ends up giving the country new binding law, which is usually different from the existing one then it constitutes Judicial Activism. The phrase 'judicial activism' carries more than one connotation. The common law tradition conceives of courtroom litigation as an adversarial process where the onus is on the pleaders to shape the overall course of the proceedings through their submissions. In this conception, the role of the judge is cast in a passive mould and the objective is to dispassionately evaluate the arguments made by both sides. In this modern era Judicial Activism emerged as tool for curbing Child trafficking from grass root level. Judges not only made law but also changed it to suit entirely new conditions created by the industrial revolution. The essence of the concept of Judicial Activism lies behind these social issues of **sexual exploitation, child trafficking, child abuse and extends to areas like environment laws** etc. which have been discussed by the Indian Judiciary for the protection of child rights in many of the cases.

CHILD LABOUR

S.NAGAMUTHU,J. in the case of *K. Balamurugan v. The Superintendent of Police*⁹ gave a new dimension to view this issue. In his words, "It is often said that a child is a "national asset". In this era, one cannot even imagine that a child could be treated as a property of the parents so as to market the child for monetary considerations. Anyone, who likes to read this order anymore, should prepare first of all himself to avoid shedding tears, as the allegations are heartrending. In short, a male child has been transferred to several hands, like a saleable commodity allegedly for monetary considerations."

The landmark case in which Supreme Court entertained a letter, sent by post as public interest litigation was the *Peoples Union for Democratic Rights v. Union of India*¹⁰ Also known as the Asiad Workers case, where the facts are that the construction of hotels, fields and offices which were of the use in Asiad were in the hands of the Delhi

⁹ K. Balamurugan v. The Superintendent of Police, 2013 (2)MLJ (CrI) 68

¹⁰ PUDR v. Union of India, AIR 1982 SC 1473

Administration, the Delhi Development Authority and the New Delhi Municipal Committee who in turn appointed jamadars through their contractors. It was held by the Apex Court that though the Employment of Children Act, 1938 did not include the construction work on projects because the construction industry was not a process specified in the Schedule to the Act, yet, such construction was a hazardous occupation and under Art.24 children under 14 could not be employed in a hazardous occupation. The right of a child against exploitation under Art.24 was enforceable even in the absence of implementing legislation, and in a public interest proceeding. This case brought in the guidelines while defining ‘begar’, ‘minimum wages’ and ‘forced labour’ under the ambit of Article 23 which needed to be followed by various other similar cases but were violated.

A high water mark in the application of the Article 24 of the Constitution was reached in the decision of the Court in *Salal Hydro Project v. State of Jammu and Kashmir*¹¹ wherein the Court reiterated the above stand but did not follow the guidelines. The Court maintained that child labor is an economic problem and was of the view that this is an economic problem and it cannot be solved merely by legislation. So long as there is poverty and destitution in this country, it will be difficult to eradicate child labour. Poor parents seek to argument their meager income through employment of their children. So, a total prohibition of child labor in any form may not be socially feasible in the prevailing socio-economic environment. Although there was visible child labour on the surface but the Court could only explain the issue and talked about the present environment and not reaching the solutions and no remedies were concluded. Article 24 therefore, puts only a practical restriction on child labor. The Court further observed that so long as there is poverty and destitution in this country, it will be difficult to eradicate child labor.¹²

¹¹Salal Hydro Project v. State of Jammu and Kashmir, AIR 1984 SC 177

¹² S. Mohapatra, M. Dash, “ *Child Labour-A product of socio-economic problem for India, findings and preventives-A case of Bhubaneswar (a state capital of India)*”, Educational Research, vol-2, issue-6, 2011, pp-1199- 1209.

JUVENILE DELINQUENCY

Dealing with the delinquency amongst the juveniles, in *Sheela Barse v. Union of India*¹³, *Ms. Sheela Barse*, a dedicated social worker took up the case of helpless children below age of 16 illegally detained in jails. She petitioned for the release of such young children from jails, production of information as to the existence of juvenile courts, homes and schools and for a direction that the District judges should visit jails or sub-jails within their jurisdiction to ensure children are properly looked after when in custody. The Court observed that children in jail are entitled to special treatment. Children are national assets and they should be treated with special care. The Court urged the setting up of remand and juvenile homes for children in jails and so there was some implementation sought.

ADOPTION

Another important case is which is well known as the "Adoption Case". The Activist Supreme Court of India in *Lakshmi Kant Pandey v Union of India*¹⁴. The writ petition had been initiated on the basis of a letter addressed by Laxmi Kant Pandey, complaining of mal-practices indulged in by social organizations and voluntary agencies engaged in the work of offering Indian children in adoption to foreign parents. The letter referred to a press report based on "empirical investigation carried out by the staff of a reputed foreign magazine" called "The Mail" and alleged that not only Indian children of tender age are under the guise of adoption "exposed to the long horrendous journey to distant foreign countries at great risk to their lives but in cases where they survive and where these children are not placed in the Shelter and Relief Homes, they in course of time become beggars or prostitutes for want of proper care from their alleged foreign foster parents. "The petitioner accordingly sought relief restraining Indian based private agencies" from carrying out further activity of routing children for adoption abroad" and directing the Government of India, the the Indian Council of Social Welfare to carry out their obligations in the matter of adoption of Indian children by their foreign parents.

¹³ Sheela Barse v. Union of India, AIR 1986 SC 136

¹⁴ Lakshmi Kant Pandey v. Union of India, AIR 1992 SC 118

This letter was treated as a writ petition and by an Order dated 1st September, 1982 the Court issued notice to the Union of India the Indian Council of Child Welfare and the Indian Council of Social Welfare to appear in answer to the writ petition and assist the Court in laying down principles and norms which should be followed in determining whether a child should be allowed to be adopted by foreign parents and if so, the procedure to be followed for that purpose, with the object of ensuring the welfare of the child. It was held that any adoption in violation may lead adoption to be declared invalid and expose person concerned with to strict action including prosecution.

SEXUAL EXPLOITATION

The cases of Sexual Exploitation are nevertheless among the children too. In Bachpan Bachao Andolan v Union of India¹⁵ writ petition filed by HRLN, Supreme Court ordered for implementation of suggestions put forth during the hearing of the case which would introduce significant reforms in existing child protection regime. The petition was originally brought in 2006 on issue of abuse and exploitation of children in circus industry. Court ordered Central Government to bring a notification prohibiting employment of children in circus, to conduct raids to rescue children already working in circuses and frame proper scheme for their restoration.

In Vishal Jeet v. Union of India¹⁶ Supreme Court in this case deals with some seminal questions relating to the sexual exploitation of children. The petitioner cited certain lurid tales of sex with sickening details alleged to have been confessed by some children and girls either escaped or rescued from such abodes of ill-fame. After giving a brief note on Devadasi system and Jogin tradition, the petitioner states that this system and tradition which are still prevailing in some parts of the country should be put to an end. Here it has been observed by Bhagwati J. that it is highly deplorable and heart rending to note that many poverty stricken children and girls in the prime age of youth are taken to the 'flesh market' and forcibly pushed into "flesh trade" which is being carried on in utter violation of all cannons of morality, decency and dignity of mankind. This case brought

¹⁵Bachpan Bachao Andolan v. Union of India, AIR 2011 SC 15

¹⁶Vishal Jeet v. Union of India, AIR 1990 SC 1412

down the directions in the regard of child prostitution where all the power has been bestowed upon the Government and preferably the Central Government and no means of check or appointing an Ombudsman or the charge of accountability has been given to none. The directions are open ended and have no furtherance if their application is not checked and if there is no accountability.

Similarly, in *Gaurav Jain v. Union of India*¹⁷, The Supreme Court held that the children of the prostitutes have the right to equality of opportunity, dignity, care, protection and rehabilitation so as to be part of the mainstream of social life without any pre-stigma attached on them. The Court directed for the constitution of a committee to formulate a scheme for the rehabilitation of such children and child prostitutes and for its implementation and submission of periodical report of its Registry. Children of prostitutes should, however, not be permitted to live in inferno and the undesirable surroundings of prostitute homes. This is particularly so for young girls whose body and mind are likely to be abused with growing age for being admitted into the profession of their mothers. While we do not accept the plea for separate hostels for prostitute children it is necessary that accommodation in hostels and other reformatory homes should be adequately available to help segregation of these children from their mothers living in prostitute homes as soon as they are identified.

¹⁷Gaurav Jain v. Union of India, AIR 1990 SC 292

6. RESPONSE OF GOVERNMENT

The initiatives of Government of India have been multidimensional. Various government departments have formulated policies and programmes for the protection of children. Governments are the primary responsible actors in the global effort to combat child trafficking. Government's efforts to combat trafficking through prevention, protection, and prosecution measures has increased greatly over the last five years. A larger number of governments now recognize that child trafficking is a violation of the human rights of an individual. Governments are creating stricter penalties for child trafficking which may play a role in deterring traffickers from operating. Although there is little evidence of state sponsored child trafficking, officials in many levels government have been implicated in helping to facilitate the trafficking in persons.¹⁸

NATIONAL ACTORS: National Human Rights Commission, National Commission for the Protection of Child Rights, Ministry of Women and Child Development, Ministry of Labor and Employment and Related Bodies, Ministry of Social Justice and Empowerment, Ministry of Human Resource Development, Ministry of Health and Family Welfare, etc.

CHILD TARGETED SCHEMES AND PROGRAMMES: Mid-day Meal Scheme, Integrated Child Development Scheme, Integrated Child Protection Scheme, Sarva Shiksha Abhiyan, Operation Blackboard, Integrated Programme for Street Children, Kishori Shakti Yojana, Wheat Based Nutrition Programme (WBNP), Nutrition Programme for Adolescent Girls (NPAG), etc.

CHILD RELATED POLICIES: The National Policy for Children, 2013, National Policy on Child Labor, 1987, National Nutrition Policy, 1993, National Health Policy, 2002, National Charter for Children, 2003, National Plan of Action, 2005, Child Rights in the Five Year Plans, etc.

¹⁸ Available at: <http://www.humantrafficking.org/> at 12:30 pm on 15th June 2015

There is no doubt regarding the fact whether due emphasis has been paid to the issue or not because there has not been any lacking while codifying legislations but there has been always the problem of proper implementation and accountability as to who will be held responsible for the wrongs of the designators. The most suitable instance is that there has been no mention of the children's families in the Child Labour (Prohibition and Regulation) Act, 1986. A similar loophole can be found in the Immoral Traffic Prevention Act, 1956 wherein it is the responsibility of the District Magistrate to be the first to look in the probe and then set forth any proceedings but there have been various judicial pronouncements where the judgements have held in their directions and guidelines that the major role is to be of the Central Government.

RESPONSE OF POLICE OFFICIALS: MORE OF A BETRAYAL THAN HELP

People typically associate police with the investigation and prosecution of Trafficking in Children (TIC) cases, but they often do not know the critical role that police play in combating TIC through prevention, protection, and the building of partnerships. In many countries police are the largest representative of government and should be seen as key instruments to combating TIC. Police can work closely with citizens and civil society organizations to help implement civic education programs, community and school intervention programs for youths at risk, and community meetings to discuss crime problems in an effort to prevent TIC. As first responders to crimes, police play a vital protection role by connecting TIC victims with medical and social services. Police also strengthen the connection between rule of law and education, social services, civil society and local governance. Unfortunately, official corruption, especially police corruption, is a major problem when it comes to combating TIC.¹⁹

Police may come into contact with a trafficked child or young person in a variety of ways; such as raiding a cannabis farm or brothel, or through their involvement in street crime and shoplifting. Often victims are coerced or forced into crime by the traffickers to pay off debt bondages or through fear. All children and young people who have been

¹⁹ Eric Beinhart, "The Multiple Roles of Police in Combating Trafficking in Persons," 3rd August 2011.

trafficked should be referred to children's services. Police should be vigilant – these children may have already been referred for other child protection or safeguarding concerns, possibly in other local authorities. Many trafficked children and young people are kept hidden in places such as residential houses (for domestic servitude), brothels, restaurants, and are not known to any agency. However this is not always the case. Some attend school and may be registered. Their traffickers often arrange for them to be registered using false documentation, which in some cases states that they are over 18. This can prevent professionals from recognizing they are dealing with a child. The victims are likely to have been deceived, lied to, beaten, sexually attacked and degraded. It is likely that they suffer – along with other emotions – loss of dignity or control, disorientation, fear, shame and a lack of self-esteem. It is a common tactic for the traffickers to threaten a victim's friends and family in their home country. When a child or young person who may have been trafficked comes to the attention of the police it is highly likely that the police will not be trusted and the trafficker will have groomed the child or young person to repeat a pre-planned script. All vulnerable and intimidated witness guidance should therefore be followed when conducting any type of interview.

The police officers are perceived as guardians of the law. The victims approach police for justice, due to which they come under direct contact with traffickers. Despite the fact that their role is to prevent abuse and exploitation of child, they are involved with the traffickers as a helping hand. The other deficiency in this field is lack of manpower to enforce the law, especially the women police officials. Still there are lot of discrepancy regarding the Reporting and Estimation of crime. The conviction of Traffickers is an exception, rather than a rule. Such act of police is encouraging due to non-cooperation of public in carrying out prevention, rescue, rehabilitations, arrest of criminals etc. The children are sacrificing just because of the evil needs of people. The failure on the part of this government department is mainly due to the unwarranted arrest of victims, lack of training, ignorance of laws, etc. There is international agreement, however, that the children who have been trafficked should be treated as trafficking victims in law and not be prosecuted as illegal migrants. It is vital that the status of the child as a victim of trafficking is taken into account in these situations and the exact nature of the crime examined.

7. RESPONSE OF COMMUNITY: NGO'S AND MEDIA

NGOs are non-profit making agencies that are constituted with a vision by a group of likeminded people, committed for the uplift of the poor, marginalized, unprivileged, underprivileged, impoverished, and downtrodden and the needy and they are closer and accessible to the target groups.²⁰ Trafficking is a socio-economic issue these days as it not only affects an individual but society at large as well. Several NGOs, community based organizations (CBO), international agencies, etc. have played a vital role in curbing these issues. The activities of Indian NGOs like the *Bachpan Bachao Andolan* and *Bandhua Mukti Morcha*, as well as agencies like Campaign against Child Labor (CACL) had significant impact on trafficking of children for labor and servitude.²¹ Alternately, the role is reversed in the areas where people don't raise their voice and have a 'culture of silence', where the Traffickers are the family members followed by the social indifference.

Trafficking can be curtailed only when the people will become aware of the problem and will start raising their voices against it, here comes the role of Fundamental Duties under Part IV-A of the Constitution as well as the Directive Principles of State Policy which though not binding but direct the State to act in a legally and morally favorable procedure. Also, there are several NGOs formed to tackle the misery created by the traffickers, which include *Sanlaap*, *Prajwala*, *Arz*, *Core*, *Childline Foundation*, *Prayas*, etc. Corporates also play a crucial role dealing with anti-child trafficking movement by providing financial and other support to these NGOs.

NGOs in our country also face various problems while carrying on their work which may be in the form of lack of funds, Lack of Dedicated Leadership, Inadequate Trained Personnel, Misuse of funds, Monopolisation of Leadership, Centralization in Urban Areas, Lack of Public Participation. This is because of the fact that it is forgotten that NGOs are the ones who really intend to care the uncared sections and the people at the bottom of the social stratum without any aim for profit making. Ours is an developing

²⁰Kakumani Lavanya Lathaa and Kotte Prabhakar, *Serbian Journal of Management* 6 (1) (2011) 109 - 121

²¹P.M. Nair, *Trafficking in Women and Children in India*, Orient Longman Pvt. Ltd, Hyderabad, 2007, pp. 250

country which requires these type of committed, devoted and dedicated organizations for the development of the country. So, the government, the leaders, the donors, the politicians and the people should support these organizations and help them to solve their problems at the grass-root level than only their services are undoubtedly commendable in the uplift of the rural poor. Moreover, it is easily found that some NGOs governed by malafied minds who are lured by tax exempted nature of NGOs.

Media has also played a vital role in curbing this issue. Various NGOs have started Television programmes, like Code Red, Satyamev Jayatae, etc., aiming not only of public awareness, but also providing helpline numbers, along with awaking individuals to stop keeping a mum and fight against the evils against the children's .

8. CONCLUSION AND SUGGESTIONS

Though, several laws, agencies, policies, etc. have been framed for the protection of the rights of children's, but the still the fact remains that trafficking not only exists, it has also acquired grave dimensions worldwide in the context of globalization. The major difficulty in enforcing these laws, is due the anomalies of age verification, treatment of trafficked victim as culprits, inadequate rehabilitation procedures, and, limited number of rescue homes. Trafficking is such a phenomenon, shrouded in ambiguity, and involving issues which most would prefer to avoid. Judiciary is also working hard to curb child trafficking from its grass root level. But some issues which left open for judiciary must be carried out more tactfully. Judiciary shall carry out comprehensive and independent national surveys to identify the total number of child trafficking in the country. Prosecutions must be initiated against all those who indulge in child trafficking use and against those who use intimidation and violence to retain children as trafficker.

The number of successful convictions and sentences passed should be published, by state, on a regular basis. Despite of the indulgence of various government servants in trafficking, thanks to the NGOs and media, the partnership between government and these communities, has not only created awareness of this brutal issue, but facilitated empowerment to a great extent. The survivors of such a heinous crime, have right to expect mental health friendly processes. The only way to change the reality of the survivor's life is to continuously question the care and protection processes. Can Trafficking be prevented? Taking into consideration the intricate issues involved in such a crime, it appears almost impossible to prevent it. But , due to the involvement of media and NGOs, like Code Red, Satyamev Jayate, etc., these examples not only establish that trafficking is preventable, but we can say that effective prevention is possible with a partnership of governmental and non-governmental agencies.

The problem of child trafficking cannot be handled in isolation. But this problem can only be stopped if the kingpins too are arrested, and in order to do so the police and the public have to become much more vigilant. It is a slur on administration & judiciary; rather it is the failure to take note of and to make an effort to put an end to child

trafficking. The government has the resources and authority to implement the law, while community-based organizations have the grass-roots level contacts and trust necessary to facilitate this implementation. Moreover, Non-Governmental Groups can act as a watchdog on government programs, keeping vigil for corruption, waste, and apathy. Neither standing alone is sufficient. Child trafficking is a vast, pernicious, and long-standing social ill, and the tenacity of that must be attacked with similar tenacity; anything less than total commitment is certain to fail. Let it fairly come to the surface that despite of such pervasive and grass root level efforts by various organisations, there are many cases throughout the country where trafficking can be found, either forced or voluntarily because of the poverty stricken parents of the children Hence, it becomes inevitable for every individual to play his role and if this is done in mass, difference can be easily made.