



HUMAN TRAFFICKING AND CHILD RIGHTS IN SPECIAL REFERENCE TO

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ABSTRACT

When it comes to sex-trafficking and forced labour victims, Indian women and children have long been the victims. The majority of trafficking of Indian woman and children occurs inside the country, with the poorest citizens at the maximum risk. Although the rise in trafficking between states can be observed from various studies, mobility and urbanization leading to increase in forced labour in construction, textiles, cable, and biscuit factories, etc. is still in action. In this research, number of children lost and found in different districts of Madhya Pradesh are analysed. The analysis show that there has been no substantial decrease in the number of lost children. However, the number of found children have been nearly equal to the lost children.

Keywords: Human trafficking, child rights, Madhya Pradesh, sex-trafficking.

1. INTRODUCTION

The term "human trafficking" refers to the practise of placing or keeping people in an exploitative circumstance for financial benefits. Trafficking can be internal or it can be linked with other countries. There are varieties of reason why women, men, and children are trafficked, from forced labour in factories and farms to sexual exploitation and even to forced marriages. Human trafficking is a global problem that impacts almost every area and country. It has become important to understand why the occurrence of trafficking has increased. However, obtaining data over the trend and quantities is very difficult. Inequalities within and across nations, restrictive immigration, and a rising desire for cheap, disenfranchised labour are only a few of the root causes. Poverty, brutality, and prejudice contribute to an individual's susceptibility towards trafficking.

Based on reports available on trafficking of women and minors in India:

- i. Commercial sexual exploitation is the primary goal of human trafficking.
- ii. Children under the age of ten and males are often preferred.
- iii. Trafficking of humans has become a very profitable industry, sometimes outpacing the trafficking of weapons and drugs.
- iv. The involvement of businesses associated with tourism has always been seen.
- v. Deception and false promises are the primary means by which most women and children are trafficked.

1.1. Human trafficking as per Indian law

One of the most despicable crimes is human trafficking. The sexual exploitation of minors and women for any nation is a more serious offense than any other. In accordance of the Article 51A (e) from the Indian Constitution, a mandatory duty is imposed on every citizen of India

which says that “*It shall be the duty of every citizen of India, to renounce practices derogatory to the dignity of women*”. However, in reality, there is a huge difference. An additional section was integrated under the article 51-A as 51-A (k) that says “*who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.*” [1]

There are several reasons for human trafficking. Few of them are mentioned below:

1. Sexual exploitations
2. Labour force
3. For domestic works
4. Beggars
5. Drugs peddling and other smuggling related illegal works
6. Forceful marriage/ child marriage
7. Forcing for criminal deeds
8. Child exploitation and child soldiers

Factors Leading to Trafficking

1. Unemployment
2. Traditional/religious prostitution
3. Child marriages
4. Fake promising for employment
5. Migrations
6. Sex-tourisms
7. Online porn
8. Illiteracy and unawareness

Along with small children and women, males are also at high risk of being trafficked. There are huge number of individuals who are being trafficked for sex as well as labour/servant.

Phases of human trafficking

Origin, transit, and destination are the three stages of human trafficking. The last destination is where the victims are taken in and kept for further abuse. However, even if they are the victims, they are only exploited for a brief amount of time. Negotiations occurs at the final destination in an effort to maximize earnings. [2]

1.2. Constitutional & legislative provisions related to Trafficking in India

- Under the Indian constitution, trafficking in human beings or persons is forbidden by Article 23 (1) of the ITPA, which is the country's principal statute for preventing trafficking for commercial sexual exploitation.
- To combat human trafficking, including the exploitation of children through physical or sexual means, as well as slavery or servitude, the Criminal Law (Amendment) Act 2013 went into effect, which replaced Indian Penal Code Section 370 with Sections 370 and 370A IPC. These new sections outline comprehensive measures to combat human trafficking in all its forms.
- Protecting children from sexual abuse and exploitation is now easier thanks to the passage of the Protection of Children from Sexual Offences (POCSO) Act, 2012, which

went into force on November 14, 2012. It outlines the many types of sexual assault, including penetrative and nonpenetrative assault, as well as sexual harassment, in great detail.

- Other laws have been passed to combat the trafficking of women and children. Children's Marriage Prevention Act, 2006, Bonded Labor System (Abolition), Child Labor (Prohibition and Regulation), and Human Organs Transplantation (Prohibition and Regulation) Act, 1994 are among the laws that prohibit child marriage.
- State governments have also taken action to address the problem, passing their own laws. For example, in Punjab, the Punjab Prevention of Human Smuggling Act of 2012

Administrative measures and interventions

MHA (CS Division) established the Anti-Trafficking Nodal Cell in 2006 to operate as a focal point for communicating and following up on actions made by State Governments to fight Human Trafficking. Periodically, MHA meets with the Nodal Officers of Anti-Human Trafficking Units designated in all States and UTs to discuss issues of mutual concern. [3]

The Ministry of Home Affairs (MHA) has issued the following comprehensive advisory to all States/UTs in order to enhance the efficacy of combatting human trafficking and to strengthen the responsiveness of the law enforcement machinery:

- Date of the most recent human trafficking prevention advisory: 9.9.2009.
- Crimes against children: July 14th, 2010 advisory
- 31st of January, 2012 is the date when the 'missing children's advisory' was issued.
- Cybercrime Against Children: An Advisory for Preventing and Combating Cyber Crime
- A Human Trafficking Advisory was established on April 30, 2012.
- Preventing human trafficking in India-dealing with foreign nationals was the subject of an advisory issued on March 1st, 2012.
- SOP, dated 12.8.2013, was established for dealing with child labour trafficking.
- Advisory on MHA Web Portal on Anti Human Trafficking started on 5.5.2014.
- Advisory for associating SSB and BSF in crime meetings initiated on 23.7.2015.

1.3. Child rights

A child's health, nourishment, education, and freedom from abuse and exploitation are denied when they are trafficked. To ensure that all children are given the opportunity to reach their full potential regardless of their socioeconomic status, they must be made aware of their fundamental human rights.

Still, in the 21st century, children continue to be traded for money or used for a variety of reasons, both inside and outside of India. This is child smuggling, to put it mildly. [4]

Every day, tens of thousands of women and children are exploited for their bodies and their reproductive organs. India is both a source and a destination country for human trafficking in South Asia. India along with the Gulf States and Southeast Asia is a significant hotbed of human trafficking. Children are sold and moved across state lines and even inside the nation as well.

There is a mobility of children inside the nation, from one town to another, from one district to another, and from one state to another. India is both a “provider” and a “consumer” of children's goods and services from other countries. There are organized syndicates, as well as individuals and informal organizations that participate in it. Many a time, it is seen that family members and parents are also involved.

Parents responsibilities when their child is found:

- i. Inform the police.
- ii. 1098 or CHILDLINE or any other organization should be informed.
- iii. A lost child is under a huge mental distress and parents must console the child with love and food.
- iv. Child should be given appropriate time to settle down before questioning anything.
- v. Proper medical attention must be provided as there may be a case of drug abuse or physical assault.
- vi. When the child is ready, parents must start a proper conversation.
- vii. Consult for assistance and support

Other people’s responsibilities when they find a missing child or locate a child without guardian/parents and they suspect of them as missing or with someone who doesn’t seem to know the child:

- i. Child must be asked for the proper details so that their parents can be informed.
- ii. Police must be informed along with 1098 for CHILDLINE
- iii. The child must be provided with a comfortable environment. Any type of physical contact with the child must be avoided.
- iv. The person who found the child must consult other adults in the area for help and assistance.
- v. It is advised to keep the child at the same place where he/she was found.
- vi. Child must not be left alone until handed over to the police.

1.4. Adopting a human rights approach

Victims' rights are at the core of an anti-trafficking strategy that prioritises the preservation of their human rights. By adopting this approach, it doesn't matter whether the individual is trafficked for sex work or another type of forced labour, since the victim's rights are protected regardless of the reason for their trafficking.

Equal safeguards for all victims of human trafficking are a fundamental part of a human rights-based strategy. Those who have been harmed need equal access to assistance mechanisms, legal protection, and justice, as well as the freedom to seek these services in the manner that best suits them so as not to compromise their own agency [5]. In order to adequately compensate for any type of discrimination on the basis of gender and in relation with access to assistance and justice, all the policy measures must take the gender character of trafficking into account. Other anti-trafficking strategies, like criminal prosecutions and migration rules, must not compromise human rights in the course of protecting victims' rights.

In order to develop anti-trafficking policies that prevent trafficking, rescue victims, and provide for their reintegration, as well as punish traffickers, a comprehensive human rights approach is

necessary. While working to eradicate human trafficking, such an approach aims to protect the human rights and dignity of all victims.

2. LITERATURE REVIEW

[6] In the present book, the authors have tried to focus on the meaning, nature, magnitude, causes and consequences of child trafficking with special reference to Lambada Tribes of erstwhile Andhra Pradesh State.

[7] This study examines the problem of human trafficking in India. The study is mostly focused on illegal migration or prostitution as a means of trafficking and also on the core causes of trafficking. For too long, academics and policymakers have failed to understand the core causes of trafficking, such as structural inequalities and culturally sanctioned behaviors like slavery, human trafficking, and forced labour, as well as the amplified effects of corruption. Such underlying fundamental causes and modalities, as well as crimes linked to human trafficking, need to be given more attention in this study for protecting the human rights of trafficked individuals in India.

[8] Secondary literature and first-hand accounts are used extensively to support the research. Snatching most of the human rights from the most disadvantaged population is ignored by the authorities responsible for securing human rights. Considering that India is becoming a source, and destination for traffickers, this has huge ramifications for the future. The researchers also added suggestions for eradicating these issues.

[9] The researchers stated that the focus on human trafficking as both whoring and illegal migration issues still dominate the trafficking discourse and does not adequately address the root cause for trafficking and the insecurity of human trafficking. It's a business that relies on the labour of others. Defaulter traffickers take advantage of women, children, and others in different ways. This article examines the horrifying results of human trafficking multinational criminal organizations that work together across nations to traffic people.

[10] The issue, "What is human trafficking?" is addressed in this research work by the researcher. Human trafficking definitions and the difficulties they pose are reviewed in order to determine this question's solution. There is also a discussion of the reasons of human slavery, the sorts of trafficking, recruiting methods, and the people who often become victims of human trafficking. A closer look at how two Western nations define and treat human trafficking is used to illustrate the issues at hand, stressing the distinctions and challenges it produces.

[11] Human trafficking is a heinous crime. Additionally, it poses a major danger to the health and security of the whole world. Human trafficking has become simpler for criminal groups because of globalisation. There is no information on the volume, trends in research, or important players in this subject at this time. Therefore, the purpose of this study was to examine the current research activities and trends in human trafficking.

3. METHODOLOGY

The methodology of this study is based on secondary data. The data is collected for the children that were trafficked from 2015 to 2021 (till 30/11/2021) in the different districts of Madhya Pradesh. The data is categorized on the basis of the gender of the victims and the area where the crime took place. On the basis of these parameters, the data was analysed and processed.

4. RESULTS AND DISCUSSION

There were many children trafficked in different districts of Madhya Pradesh, India. In the below-mentioned table, data of the lost children is exhibited for the top 5 districts of the state.

Table 1: Child lost in top 5 districts of Madhya Pradesh

S.N O	District	Lost													
		Boys							Girls						
		2015	2016	2017	2018	2019	2020	2021 Till 30/11/ 2020	2015	2016	2017	2018	2019	2020	Till 30/11/ 2020
1	Gwalior	90	106	141	153	149	98	110	152	163	222	216	256	203	232
2	Indore	175	189	165	230	226	146	174	421	368	431	593	630	512	698
3	Jabalpur	183	181	142	150	157	82	105	321	325	338	367	433	333	359
4	Satna	139	108	123	89	118	88	70	193	205	237	224	291	223	275
5	Bhopal	258	206	192	237	270	127	178	439	343	326	386	477	336	408

As it can be seen in the above-mentioned table that Bhopal lagged most in saving child trafficking. 258 boys and 439 girls were lost in the year of 2015, making it a total of 697. It can be interpreted from the above data that girls have been abducted more than boys and mostly for prostitution. there isn't found any reduction in these abductions; however, variation is there in number of reported cases.

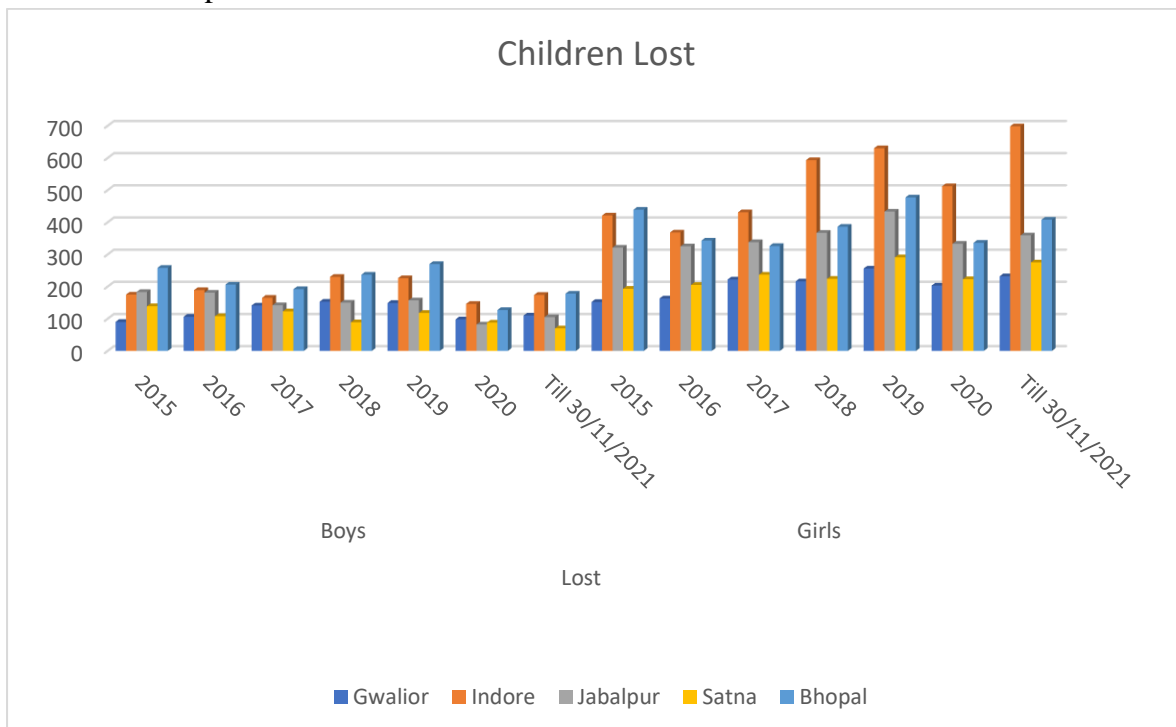


Figure 1: Child lost in top 5 districts of Madhya Pradesh

Table 2: Child found in top 5 districts of Madhya Pradesh

S.N O	Distr ict	Found													
		Boys							Girls						
		20 15	20 16	20 17	20 18	20 19	20 20	Till 30/11/2 021	20 15	20 16	20 17	20 18	20 19	20 20	Till 30/11/2 021
1	Gwal ior	90	102	124	144	145	94	125	143	137	200	201	236	209	312
2	Indor e	178	181	143	201	221	179	161	392	377	343	497	576	565	752
3	Jabal pur	174	143	134	144	150	79	103	287	318	312	386	465	305	397
4	Satna	150	80	139	66	119	105	73	163	135	239	143	276	296	343
5	Bhop al	199	199	189	231	260	140	177	262	320	300	357	448	428	402

As it can be seen in the above-mentioned table that most number of lost children were found in Bhopal only. In the year 2019, concerned authorities found 260 lost boys and 448 lost girls in Bhopal, which is highest for the selected time frame. In other districts also, the ratio for finding the kids has increased.

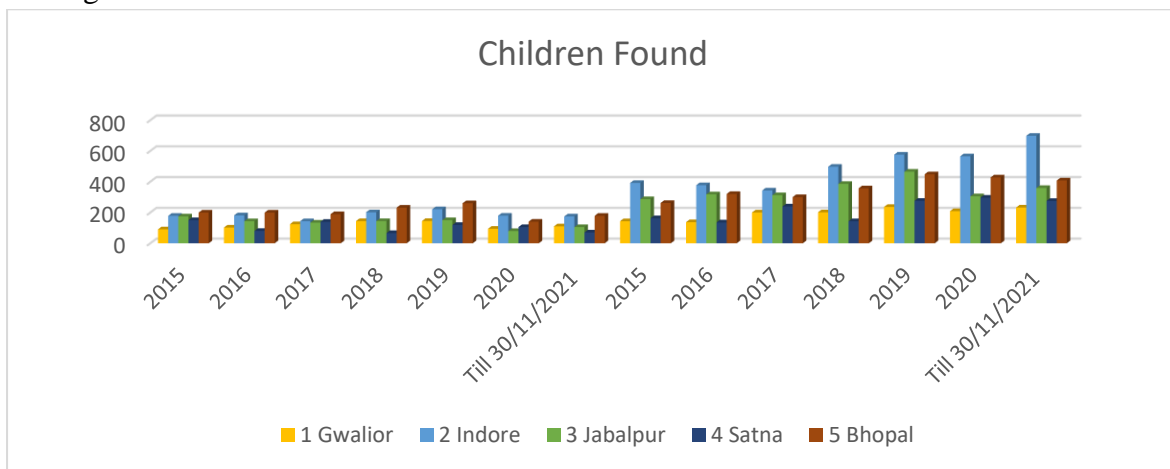


Figure 2: Child found in top 5 districts of Madhya Pradesh

Table 3: Total child lost in Madhya Pradesh

Year	Total boys lost	Total Girls lost
2015	2319	5740
2016	2424	6032
2017	2436	7044
2018	2483	7898
2019	2613	8631
2020	1517	7475
Till 30/11/2021	1779	8870
Total	15571	51690

It can be seen that in the selected time-frame, 15571 boys and 51690 girls were lost, making it a total of 67261 children. In the year 2019, maximum number of children were lost.

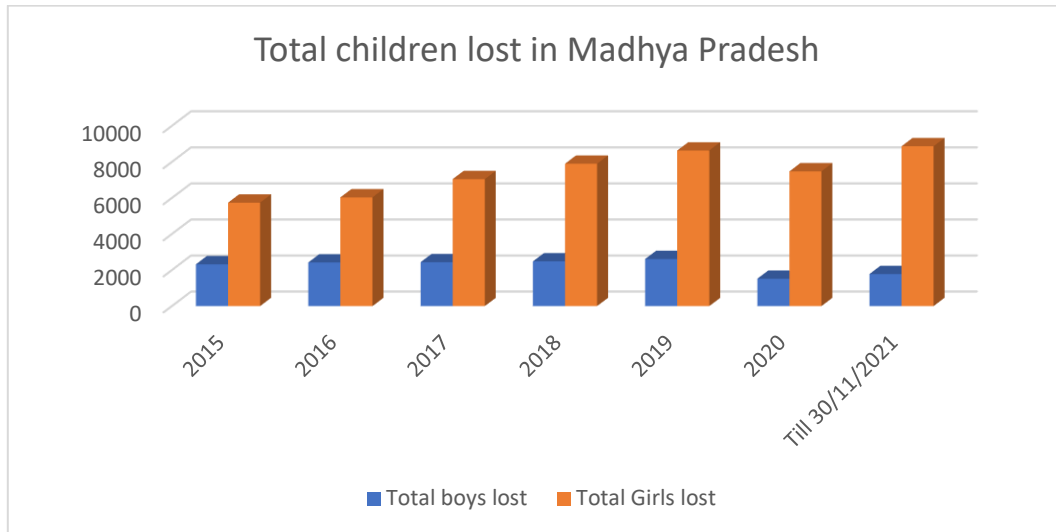


Figure 3: Total child lost in Madhya Pradesh

Table 4: Total child found in Madhya Pradesh

Year	Total Boys Found	Total Girls Found
2015	2207	5138
2016	2226	5237
2017	2343	6379
2018	2352	7026
2019	2558	8310
2020	1664	8371
Till 30/11/2021	1860	10203
Total	15210	50664

It can be seen that in the selected time-frame, 15210 boys and 50664 girls were found, making it a total of 65874 children. In the year 2019, maximum number of children were found.

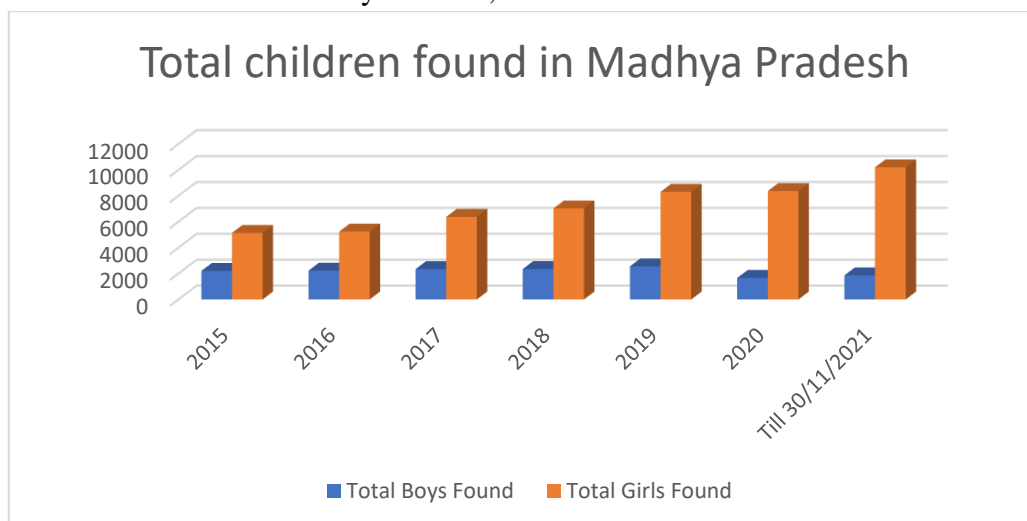


Figure 4: Total child found in Madhya Pradesh

5. CONCLUSION

Human trafficking is a major challenge in Madhya Pradesh, India, making it the transit zone. With the whooping number of children lost, Madhya Pradesh authorities need to bring changes in the concerned law related to human trafficking and child rights. The data clearly shows that there has been no substantial decrease in the number of lost children. However, the rise in the number of found children clears that the concerned authorities are active. To lower the number of lost children, it is important to make the parents aware of the situation, especially in the rural areas of the state. Also, new and effective preventive measures must be planned and implemented in order to sort prevent such crimes from taking place. Based on the present study, it can be suggested that there must be proper rehabilitation centres at NGOs and other concerned organizations. In addition, the volunteers of these centres must be formally trained as to keep the children emotionally and physically safe. Mostly, the children who are found, are victims of vicious crimes and they are in dire need of moral and financial support. These centres must also provide proper education and healthy food to them. It is important to realize that these children are the victims and not criminals and they must be treated with proper parental love and care, even at rehabilitation centres.

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