



E-ISSN: 2664-603X
P-ISSN: 2664-6021
IJPSG 2024; 6(1): 167-172
www.journalofpoliticalscience.com
Received: 03-01-2024
Accepted: 06-02-2024

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Child trafficking and sexual exploitation of girls in India: A reflection on Odisha and West Bengal

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DOI: <https://doi.org/10.33545/26646021.2024.v6.i1c.318>

Abstract

The prevalence of child trafficking as a severe form of violence against children reflects a distressing reality of the present society. It is the worst form of slavery where innocent children are treated as commodities and continuously exploited for monetary gain. It is growing like an epidemic and become a global concern. Every single day countless innocent children disappear from their homes and many of them become untraced. The clandestine nature of such trafficking networks again makes it highly difficult for families as well as police to trace and rescue the victims. As a result, these trafficked children are subjected to ample forms of exploitation including prostitution and sexual exploitation, organ trafficking, forced begging, coerced marriage, and so on. Particularly when it comes to the trafficking of girl children for prostitution as well as for commercial sexual exploitation, it is considered as the most profitable trade practice which is majorly dependent on the supply and demand factors. This further indicates the higher risk of girls in trafficking for commercial sexual exploitation. As India is known as the source, transit, and destination place for child trafficking, the paper delves into the situation of two states particularly, Odisha and West Bengal, and the vulnerability of girl children in these two respective states along with the legal responses aimed that aimed prevention and protection

Keywords: Child trafficking, sexual exploitation, commercial sexual exploitation, Prostitution & Pornography

1. Introduction

India is emphasised as the second most populous country in the world, with a substantial proportion of its people being adolescents. As one of the world's most populous nations, India faces serious social and economic challenges that make its children, particularly girls, susceptible to trafficking for sexual exploitation. Among this demographic, children in underprivileged areas, such as rural areas, slums, and marginalised communities, have obstacles in receiving sufficient care and resources from the government. The challenges encompass a wide spectrum, including poverty, inadequate healthcare, malnutrition, child marriage, and low literacy rates. Each of these factors worsen the precariousness of adolescent girls to trafficking. The issue of child trafficking is recognised as an escalating concern, including a severe violation of human rights and a profitable yet cruel business. Hence, the issue of child trafficking and sexual exploitation of children in the nation emerging as a grave concern that requires immediate and focused action.

Therefore, to prevent the awful act, it is the responsibility of both society and the state to ensure the establishment of an environment that would be more protective, and child-friendly, and one which is free from all types of exploitation towards children. Hence, the paper endeavours to comprehend the dreadful circumstances and heightened vulnerability of girl children to trafficking for commercial sexual exploitation, and delving into the reasons behind their status of being exploited and traded. However, specifically examining the states of Odisha and West Bengal, it aims to shed light on how the patterns of trafficking of girls for sexual exploitation have undergone significant shifts, particularly in the post-Covid era.

2. Unravelling child trafficking: Defining the Phenomenon

The meaning of child trafficking has been debated and asserted by various national as well as international organisations. However, one of the most essential definitions that emphasises equal rights of all children in its definition is the Universal declaration of Human Rights

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(UDHR). It holds that all children are equal before law therefore all should possess equal rights as a virtue of human being. The UDHR (1948) in its Article 4 encapsulated that “No one shall be held in slavery or servitude”, whereas article 1 says that “all human beings are born free and equal in dignity and rights” (Glind, 2010, p. 100)^[8]. Additionally, The UN Convention on the Rights of the Child (CRC) accompanied this by added, every child ‘without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status’, is born with the same rights (Glind, 2010, p. 100)^[8].

Within its very nature, child trafficking violates the basic rights that children holds as human being. Despite the presence of rights and regulations designed to protect children, the relentless growth of trafficking networks consistently exploits children globally, making these protective measures ineffectual. Child trafficking is a subset of the larger problem of human trafficking, which involves the exploitation of individuals for monetary benefits.

In the context of child trafficking, UNICEF specifies that any individual under the age of eighteen who is recruited, transported, transferred, or received for the purpose of exploitation, whether within or outside the nation, is considered a victim of child trafficking. Similarly, the UN Palermo Protocol outlines that a child is defined as someone under the age of eighteen to identify instances of trafficking in children (Sharma, 2015, p. 3)^[25].

Importantly, child trafficking, particularly the trafficking of girl children, remains pervasive in India. In a concerted effort to safeguard children, the Government of India introduced a National Policy for Children in 2013. This policy defines every individual below the age of eighteen as a child, extending its protection to all children within the national territory and jurisdiction. Emphasizing a multi-dimensional approach, the policy aims to uphold the rights of all children, recognizing their diverse needs across various sectors. It delineates four key areas of focus: Survival, health, and nutrition, growth and education; and protection and participation. This definition aligns uniformly with the definition outlined in the UN Convention on the Rights of the Child (Sharma, 2015, p. 2)^[25]. However, the evolving landscape of crime in the country presents a heightened state of vulnerability for children, making them easy targets for various forms of illegal activities.

Hence, raising awareness among children regarding various forms of inhumane practices holds paramount importance. In this vein, education emerges as a pivotal tool in empowering children with knowledge about their rights and safeguarding them against criminal activities. The Constitution of India, in this regard dictates a free and compulsory education for all children aged six to fourteen in its Article 21(A) (Right to Education, N.D.). Furthermore, Article 24 prohibits children under the age of fourteen from engaging in hazardous or exploitative labour. These constitutional provisions and policies are aimed at creating a safe environment for children. However, despite such measures, the issue of child trafficking persists and continues to escalate. Therefore, there is a pressing need to delve into the underlying reasons for its sustained growth, despite the existence of policies and legal provisions.

3. Commercial Sexual Exploitation of Girl Children

The commercial sexual exploitation of girls in trafficking represents the abusive sexual exploitation that has been committed against children and adolescent. As defined by the United Nations, that commercial sexual exploitation (CSE) meant

the use of a child for sexual purposes in exchange for cash or in kind favours between the customers, intermediary or agent and others who profit from the trade in children for these purposes (parent, family member, procurer, teacher, etc. (Deb *et al.*, 2019, p. 52)^[4].

The commercial sexual exploitation of children encompasses three forms of exploitation such as, child prostitution, trafficking, and the sale of children for pornography or sexual purposes, both domestically and internationally as recognised by the United Nations. Commercial Sexual Exploitation (CSE) refers to the act of persons selling or exchanging sex in order to meet their basic necessities for their survival, or situations where their vulnerability is exploited by a buyer, trafficker, or pimp. Vulnerability can arise from various reasons, such as being exposed to abusive, negligent, or conflict-ridden home situations, enduring poverty or living in low socioeconomic conditions, lacking access to education, experiencing unemployment, and facing numerous other challenges. Individuals who experience these challenges are the ones who are most susceptible to exploitation by traffickers or pimps, who profit from their precarious circumstances (Gerassi, 2018, p.5)^[5]. All these pimps and traffickers who facilitate the forced prostitution and other form of commercial sexual exploitation are the commercial criminal enterprises who are controlled or guided by organised crime. The trafficking of young girls, typically minors, is also known as Domestic Minor Sex Trafficking (DMST). This disturbing practice encompasses the exploitation of children under 18 years old in various forms of the sex trade, such as pornography, stripping, escort services, and more (Honor, 2015, p. 88)^[9]. DMST involves the use of force, fraud, or coercion to compel individuals under the age of 18 to engage in sexual activities (Public Law, 2000)^[17].

The demand of sexual exploitation of girls through trafficking has taken a gigantic shape globally. Trafficking of children for various commercial sexual purposes like pornography are not just small-scale markets. Recent studies suggest that criminal groups make as much money from these activities as they do for trading drugs and weapons. While drugs and weapons once used to be the primary products for organised crime, now child pornography and child trafficking appear to be the most profitable revenue for organized crime. This shows a drastic shift in the trafficking scenario, where children are observed as the major victim. This reprehensible phenomenon highlights the vulnerability of young girls who are coerced or manipulated into participating in activities that violate their rights and exploit their innocence.

4. Unveiling the Shadow Trade of Child Trafficking in India: Vulnerabilities and Risk

India has become a significant hub for trafficking, encompassing men, women, and children who are coerced into forced labour or sex trade. The complexity of human trafficking has made precise assessment difficult. However, it is estimated that 15 million women who fall victim to sex trafficking annually in India, 40% of them are children and

adolescents, with some being as young as nine years old. According to the National Crime Records Bureau (NCRB), out of 15,379 people trafficked in India in 2016, 9,034 were children under the age of 18. The gender breakdown was 4,911 girls and 4,123 boys. Furthermore, if we see the overall status quo, approximately 20,000 women and children were identified as victims of trafficking in 2016 as recorded by government statistics which alone reveal a disturbing reality. Alarming, national estimates suggest that between 45,000 and 2.8 million children and youth are displaced or run away from their homes annually, often falling prey to the commercial sex industry (Kotrla, 2010, p. 183) ^[11]. Tragically, the disappearance rate of girls in India is staggering, with one girl disappearing every eight minutes (Virmani, 2016) ^[30]. Roychoudhury (2014) ^[20] in this regard highlights that between 2013 and 2014, approximately 67,000 girls disappeared, with 45 percent being minors trafficked into prostitution. While trafficking impacts both genders, the majority of victims in India, particularly women and children, are exploited in the sex trade. Sanyal and Deb (2017) ^[22] underscore that globally, 80 percent of trafficking is for sexual exploitation, making India a hotspot for such criminal activities in Asia. These missing numbers of girls shows the miserable condition that girl children experience within the country. However, it is imperative to acknowledge that the situation is far more serious than portrayed, due to the widespread existence of numerous undisclosed cases which has again driven by many structural issues. This rampant trafficking commodifies and targeted all these innocent children and exposing them to immense vulnerabilities in the economic market.

Minor girls are highly vulnerable to becoming victims of illicit human trafficking operations because of their ignorance, which renders them susceptible to exploitation by traffickers. The existence of an undercover structure of placement agencies and insufficient legislation further worsens the problem that ultimately allowing these crimes to keep occurring. Although the situation is very serious, the Indian government's attempts to address trafficking have been mostly ineffectual, as shown by its ongoing inclusion on the Tier 2 watch list as per the Trafficking in Persons report (Roy and Chaman, 2017) ^[19]. The illegal trafficking of minors for the sex trade cannot be adequately addressed by merely depending on the law. Therefore, it is also critical to investigate the root causes and structural challenges within society that contribute to increased vulnerability of girl children. The below analysis is the observation of two states such as Odisha and West Bengal.

5. Examining the status of girl children: An analysis of Odisha

From an economic standpoint, Odisha is mostly reliant on agriculture, with 60 to 70 percent of its population depending on this sector (Chakraborty, 2016) ^[1]. The Scheduled Tribes and Scheduled Castes comprise approximately forty percent of the total population in the state (Padhi and Pradhan, 2013) ^[15]. While the service industries are experiencing tremendous growth, the advantages are primarily being enjoyed by privileged sections and those belonging to the upper caste. As a result, a significant proportion of the population falls below the poverty line. However, these circumstances give rise to a precarious condition for numerous individuals, denying them the opportunity to progress. Likewise, the social

hierarchy that exists in Odisha has a profound influence on the lives of its people, sustaining disparities and strengthening divisions based on social class and caste (Jha, 2005, p. 1495) ^[10]. This established hierarchy determines how individuals are regarded and treated, hence increasing the disparity between various parts of the community. Consequently, individuals who are marginalised due to their social status frequently encounter obstacles when trying to obtain resources, education, and employment opportunities. This worsens their vulnerability and perpetuates the cycles of poverty and marginalisation.

According to the 2011 census, the population of Scheduled Tribes (STs) in Odisha is 95,90,756 (22.8%), which is much higher than the population of Scheduled Castes (SCs), which consists of 71,88,463 individuals (17.3%). The combined population of Scheduled Tribes (STs) and Scheduled Castes (SCs) accounts for 40 percent of the entire population of the state (*ST & SC Development, Minorities & Backward Classes Welfare Department, N.D.*). Poverty continues to be a prominent problem in Odisha, having a disproportionate impact on women and girls to a considerable degree.

Children in Odisha are subjected to exploitative circumstances due to the intersection of poverty, gender, patriarchy and caste factor. Specifically, young girls from economically disadvantaged households are extremely susceptible to being exploited. The condition of poverty worsens their vulnerability to exploitation, since it restricts their ability to obtain education, healthcare, and essential resources, consequently limiting their choices for survival. Furthermore, ingrained gender norms and patriarchal structures exacerbate girls' problems, subjecting them to discrimination, violence, and unequal chances to opportunities. The integration of all these factors establishes a conducive environment for exploitation, with girl disproportionately experiencing the consequences of these structural injustices. As a result, they become increasingly vulnerable to various forms of exploitation.

Despite having twenty-five Integrated Anti-human Trafficking Units (IAHTU), Odisha continued to be the second most trafficked state in the country in both 2019 and 2020. Based on data provided by the National Crime Records Bureau (NCRB), the state experienced a concerning trend in 2021, with an average of eleven missing children per day. This underscores a substantial cause for concern. If we stress on the missing children particularly girls, there were 16,654 number of missing children in the last six years. The number of instances involving missing children increased by 42% in 2021 as compared to 2020 (Dash, 2022) ^[3]. In 2021, Odisha experienced a troubling circumstance where 2,456 girl children were reported missing and could not be located. Nevertheless, the situation deteriorated in 2022, with the figure jumping to 4,250, revealing a distressing portrayal of the state's child welfare and safety protocols (National Crime Record Bureau, 2022) ^[13].

In addition, the Odisha Assembly's House Committee on Child Welfare revealed that brokers facilitate immoral trafficking by taking advantage of girls' vulnerabilities to offer jobs and marriage offers. This situation has been widely observed in districts including Kalahandi, Balangir, Mayurbhanj, Sundargarh, and Balasore. However, according to Shakti Vahini, the problem extends beyond these places, with twenty-six districts in the state classified as trafficking

hotspots (Patro, 2021) ^[16]. To address the problem of child trafficking, the director of Childline Dr. Benudhar Senapati stated the inefficiency work of police department to control trafficking as they never follow the SOP (Standard Operating Procedures). Moreover, the police department has failed to control the traffickers those who supply children from transit to destination or vice versa. According to Rini Mohanty (child rights activist), the traffickers are still an unsolvable mystery to the government. To protect the interest of children numerous institutions have been set up but all of them appear to be hollow words. However, it is worth noting that, the Odisha government has undertaken many initiatives like; Operation Smile, Operation Muskan and Pari to locate the missing children, but all of them has unsuccessful in finding the missing children (Dash, 2022) ^[3].

6. Understanding the plight of girl children in West Bengal

Along with Odisha, West Bengal is also served as a hub of trafficking. It shares international borders with Nepal, Bangladesh, and Bhutan, and has also shares state borders with Sikkim, Bihar, Odisha, Jharkhand, and Assam. On the other hand, Siliguri, the primary metropolitan hub of North Bengal, serves as the entry point to Nepal, Sikkim, Bhutan, and the North-East region due to its geographical position. The population density in the state is a consequence of its socioeconomic conditions and political history. West Bengal in particular has long been the destination of Bangladeshi migrants migrating to India. Therefore, this unsafe migration and its border sharing again create a problem of cross-border trafficking. districts like, North and South 24 Praganas and Murshidabad share the international border with Bangladesh were reported to be major trafficked prone zone (Sen & Nair, 2004) ^[24]. Additionally, South West Bengal namely, Burdwan, Bankura, Birbhum, Purulia, Hooghli and West Midnapur are prone to trafficking (Ghosh & Kar, 2008) ^[7]. Because of the absence and failure of law, children are continued to fall in the hand of illegal recruitment agencies (Sanyal and Deb 2017, p. 82) ^[22].

As per 2011 census, UNODC stated that more than 19,000 children and women were missing and among them, only 6,000 have been traced (Sanyal and Deb 2017, p. 82) ^[22]. During the period from 2019 to 2021, the total number of missing children in the state of West Bengal surged by 22 percent, rising from 8,205 in 2019 to 9,996 in 2021 (Sarkar & Bhattacharya, 2023) ^[23]. It shows a major rise in the missing cases that ultimately provide a fertile ground for traffickers. Therefore, its socio-economic factors stand responsible for creating the precarious situation for girls that needs to be focused. Starting from disparity in literacy, school dropouts, poverty, abusive family environment, violence, social discrimination, unemployment are seen as leading factor that causes Child trafficking for commercial sexual exploitation in the state (Sanyal and Deb 2017, p. 82) ^[22]. According to the analysis of the situation of West Bengal, Ghosh and Kar said there is a constant demand for minor girls in the sex Industry. The push-pull factor is one that indulged women and children. Poor socio-economic conditions of families, natural disaster (floods and cyclones), and lack of awareness increase the chances of the vulnerability of children. Besides these, the pressure of dowry, low income, violence, low status of girls, deteriorate family life is also another reason of trafficking that makes girls more vulnerable to trafficking in West Bengal (Ghosh

and Kar, 2008, p. 96; Damle & Bose, 2021, p. 6) ^[7, 2]. West Bengal is one of the impoverished states in India and also a source point of child trafficking. The state has also recorded ample number of missing children as well as a strong trafficking gang that targeted secluded people (Damle & Bose, 2021, p. 6) ^[2]. The persistent problem of trafficking and the alarming phenomenon of going missing have been ongoing sources of worry and the difficulties faced by law enforcement have grown increasingly difficult as a result of the Covid-19 pandemic. In addition, increasing prevalence of smartphone usage also coming as a new trend of vulnerability among children as schools were majorly depended upon online mode (Sarkar & Bhattacharya, 2023) ^[23].

As Odisha and West Bengal are the cyclone-prone area, poverty is deeply rooted here. This perhaps creates an open chance for traffickers. As Odisha is known as the source and destination of trafficking, West Bengal is considered as source, destination and transit point (Ghosh, 2009, p. 721; Ghosh and Kar, 2008, p. 92). ^[6, 7] Girls and women from these states are trafficked and send to metropolitan cities like Kolkata, Mumbai and Delhi etc. Traffickers procure girls specifically from Odisha and Assam in the name of marriage and domestic work but later push them into prostitution. Sakti Vahini, an NGO reported that along with Jharkhand, Bihar, Madhya Pradesh, Uttar Pradesh & Himachal Pradesh states West Bengal and Odisha are prime supply zones of trafficking. In these states trafficking is occurring in the forms of marriage, domestic servants and agricultural labour. It is also noticed that West Bengal and Odisha were initiated as Commercial Sexual Exploitation of women and minor girls (Santhya, Jejeebhoy and Basu, 2014, p. 29, Ghosh, 2009, pp. 721-732, Dutta, 2013, p. 2) ^[21, 6, 15]. To address these issue and curb trafficking of children there are many legislation enacted that has been directly or indirectly aim to prevent trafficking and protecting victims.

7. Role of legislation and policy intervention and its impact of victims

India has a comprehensive legal framework to address trafficking and exploitation, with laws enacted by the Parliament and State legislatures, in addition to constitutional provisions. In addition to outlawing forced work and human trafficking, Article 23 of the Constitution guarantees rights of human being against exploitation and renders such activities illegal. A multitude of legislations, including the Indian Penal Code (366A, 366B, 372, 373, 374, 370, 370A), Immoral Traffic (Prevention) Act, Juvenile Justice Act, Information Technology Act, Goa Children's Act, Karnataka Devadasi Act, and Andhra Pradesh Devadasi Act, POCSO Act have been enacted with the purpose of resisting trafficking, safeguarding susceptible individuals, and tackling matters pertaining to prostitution, pornography, and the exploitation of children. These laws include provisions that make activities like as trafficking, procuring individuals for prostitution, detaining persons in brothels, and fostering the dedication of girls for prostitution illegal and punishable by law (Social Awareness Institution, 2022). Along with this, the policy intervention in the state of Odisha seeks to assist trafficked girls and women through the provision of migrant support services, the establishment of universal registration processes for marriage in order to trace fake marriages, and the creation of community forums to monitor and report incidents of violence and trafficking

(Odisha grapples, n.d.). The Odisha government has implemented substantial measures to combat human trafficking, which encompass providing compensation, rehabilitation, and facilitating the reintegration of victims into society. The Crime Investigation Department has carried out rescue operations, while the state government has established 2190 *Swadhar Greh* and 37 Integrated Anti-Human Trafficking Units. The police undertake investigations to ascertain the identities of criminals and their nature and protect victims. The government's endeavours are working for detecting victims, organising rescues, offering compensation, prosecuting criminals, and rehabilitating victims (Kumar *et al.*, 2020) ^[12]. Along with the enactment of laws at the national level, SLARTC (Social Legal Aid Research and Training Centre) based in Kolkata plays the role of watchdog in mapping migration. It works to create awareness on women, also tries to preventing child labour and sexual exploitation of women (Social Legal Aid Research and Training Centre, n.d.). *Seefar* and *My Choices foundation* are working towards reducing the occurrence of child trafficking and commercial sexual exploitation of children (12-18 yrs.) in the districts of West Bengal (Damle & Bose, 2021, p. 1) ^[2]. Sattva Consulting is also looking over the problem of trafficking along with *Seefar* and *My Choices Foundation*.

8. Findings

All these laws and policy measures play a dynamic role in protecting victims. Although there are variety of measures taken by the government of both these states as well as the government of India but the problem is still persisting. This ever-growing crime against children indicates an ineffectiveness of these states to combat trafficking. Therefore, at this point, a coordinated effort including individuals, communities, and government bodies is essential. Although awareness programmes have been carried out in many states, it is crucial to enhance and strengthen them. It is critical not only to educate society about gender inequities and their negative consequences, but also to empower children with the knowledge about 'good touch' and 'bad touch' and to teach them how to reject abuse. It is also imperative to educate parents and society at large about sexual abuse in order to stop the trafficking of girls. A key factor in preventing their children from falling into the hands of human trafficking is parental education regarding sexual abuse and open communication with their children on the topic. By increasing awareness, individuals are encouraged to come forward and report instances of child trafficking, which acts as an important instrument in the fight against the growing number of cases of child trafficking. By working together to execute these strategies, we can create a safer environment in which children can develop without fear of exploitation or harm.

9. Conclusion

India faces a significant challenge regarding child trafficking, particularly the commercial sexual exploitation of girls, exacerbated by factors such as poverty, gender inequality, and inadequate law enforcement. Despite legislative measures and policy interventions, the problem persists, as evidenced by alarming statistics from states like Odisha and West Bengal. Efforts to combat trafficking must involve coordinated action from government agencies, communities, and individuals, including enhanced

awareness programs, empowerment of children with knowledge about abuse prevention, and parental education. Strengthening these strategies is crucial to creating a safer environment where children can grow without fear of exploitation.

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