

## **Child trafficking in India: A spot light on regional variations, causes and measures.**

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### **Abstract**

Child trafficking is an alarming concern today globally and has threatened not only lives of children but entire families as well. It violates their rights and their share of happiness and childhood. This has become a like a spiders web which has spread cross borders, jumping all the boundaries of criminal trade especially for the purpose of sexual exploitation. India has become a major junction for trafficking of children and women and deep rooted studies are required to analyse its dynamics for preventing such mammoth crime. This paper focuses on regional variations in child trafficking in India from 2014-2020, in quest to identify various factors behind the curtain in its regional variations alongwith finding possible strategies to curb this evil. Despite the existence of this heinous crime in the society, we tend to see a criss-cross movement in the graph of child trafficking. The major factors acting as a culprit contributing towards this evil in society are socio-economic imbalance, rigidity of culture and unquestioned historical traditions. Role of NGOs and legal provisions play a significant role in eradicating this crime from the society, but generating awareness among people and the new generation is also of vital importance.

**Keywords:** *Child trafficking, sexual exploitation, sexual and organ trading, cultural rigidity.*

### **INTRODUCTION**

As stated in the United Nations Protocol, the first international definition of trafficking is prevention, suppression, and punishing of those causing trafficking amongst humans, particularly children. Human trafficking has been defined as recruiting, transporting, transferring, harbouring and receiving of persons for the purpose of exploiting by using threat, and deceiving people by some other means, displaying power in an abusive manner, also paying and receiving money for obtaining consent and control over other person. Exploitation includes prostitution or other forms of exploitation such as, forced labour or services, slavery or practises that are similar to slavery, servitude, or organ removal, all are examples of exploitation. However, owing of the problem's complexity, the term trafficking has a broader definition.

The United Nation General Assembly defines trafficking as “the illicit and clandestine movements of persons across national borders, largely from developing countries, and some countries with economies in transition, with the end goal of forcing women and girls into sexually or economically oppressive and exploitative situations for profit of recruiters, traffickers and crime syndicates and other activities, for example, for forced domestic labour, false marriages, clandestine employment and false adoption”.

Child Trafficking is the second largest organised crime in India after arms and drug smuggling and the volume of child trafficking in India has increased over the last decades. India is a country of origin, transport, and destination for trafficking females and children for exploiting them sexually. Although trafficking is frequently associated to sexual exploitation, it is vital to note that trafficking does not lead to sexual exploitation everytime. Considerable number of children are trafficked in India, the purpose is not only sexual exploitation but for domestic labour, servitude of different kinds, organ trade, industrial and agricultural labour also form a part of exploitation which is most common amongst children. National Human rights commission (NHRC) carried out a study in the year 2005 after which they received disquieting numbers from the press, police and NGOs about rising cases of human trafficking in India. They found that India was fast becoming a source, transit point and destination for the trafficking of women and children for sexual and non-sexual purposes. Majority of the child trafficking transpires in the states such as West Bengal, Andhra Pradesh, Karnataka, Maharashtra, Orissa and Bihar. Child Trafficking occurs in these states mainly due to poverty, illiteracy and sometimes due to cultural stereotypes.

Child Trafficking has drastic and damaging effect on children. The influence of trafficking and sexual exploitation is also coupled with the adolescence of the child. A distinct period of transforming into adulthood, marked by specific changes in the body such as developing psychologically, hormonal changes, and transforming emotionally is termed as adolescence. Trafficking has traumatic and damaging psychological,

physiological, emotional effect on the psyche of children. The important concerning cause and consequence of child trafficking is HIV/AIDS. Child Trafficking victims, especially young girls who are forced to engage in sexual practises against their will are most vulnerable to contract sexually transmitted diseases like HIV/AIDS and other sexually transmitted infections. They suffer drastically due to this and are further subjected to violent injuries which their fragile bodies cannot handle. Most of the children who are victims of Child Trafficking never recover from the horrors they had been subjected to during their lifetime which reflect on their behaviour and day to day life.

### METHODOLOGY

National Crime Record Bureau, Ministry of Home Affairs, Government of India, has published some reports “Crime in India” (2014-2020) and on the basis of those reports this research has been grounded, under the head. The National Policy for children was adopted in 2013, with the objective of promoting holistic development and empowerment of children in India. The Policy has recognised four significant areas: health, nutrition, survival, education, development, participation and protection for focused attention. India has adopted and implemented international conventions on eradication of child trafficking in the country. Few of them are: (1) UN Convention on Transnational organised crimes (UNTOC) its main aim is to prevention and suppression of human trafficking especially amongst women and children. Under the Criminal Law 2013, special mention has been made for human trafficking in the form of a definition, (2) SAARC Convention has been adopted to prevent trafficking amongst women and children for prostitution. (3) MoU on Bi- lateral cooperation has been signed amongst India and Bangladesh in June 2015, for curbing trafficking of women and children, and rescuing, recovering, repatriating and re-integrating of trafficking victims were the key focus areas. This study focuses on the year (2014-2020) in order to examine the success of this strategy in various Indian states and UTs, and the national policy for children which was introduced in the year 2013. From 2014 to 2020, trafficking cases for minors have been calculated for all the states and UTs, to include those protected by laws such as the Immoral Traffic Prevention Act, the Protection of Children from Sexual Offences Act (POCSO, 2012), and the Criminal Law (Amendment) Act 2013. As per the method of calculating the crime rate against children (NCRB, 2020), the rate of child trafficking (RCT) is calculated according to the number of trafficked children per 100,000 population. For the years 2014 and 2020, the spatial and temporal changes of RCT across Indian states and UTs are examined. (See Table 1) Even if they are rescued, children who have been recognised as trafficking victims risk societal humiliation along with social marginalisation. Because the number of incidents reported are dependent upon the victims who do not want to be named, a huge amount of data appears to be highly underreported. There is also a high probability that unsolved cases of missing children are trafficking victims. Lack of official statistics for missing children in India, prevents this study period from a thorough investigation. Although, the data report on ‘missing children in India’ published by NCRB undoubtedly point to a crisscross picture which sometimes shows a sharp increase in the number of cases for child trafficking and sometimes portrays a decline in the cases. For instance the number of cases in 2015 was 3490 and in 2016 was 9034 (NCRB 2020; also see Figure 1). This high increase would necessitate further investigation to determine the true scope of child trafficking in the country.

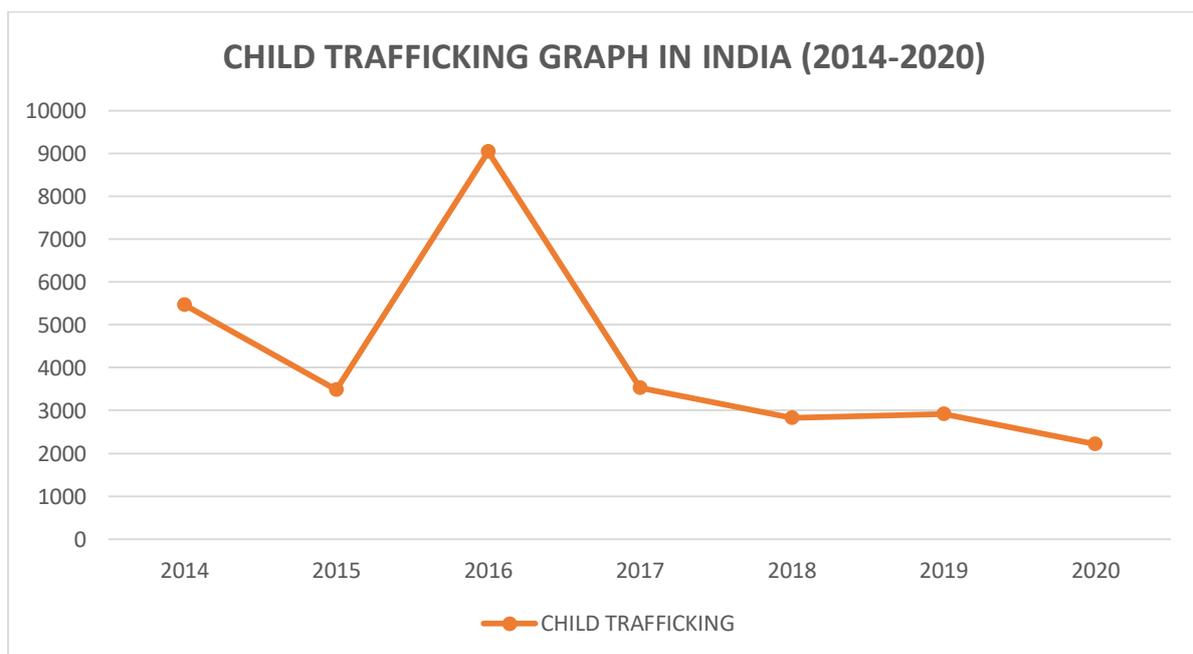


Figure 1. Child trafficking in India (2014–2020)

Source: "Crime in India" reports' (2014–2020), National Crime Record Bureau, Ministry of Home Affairs, Government of India.

**Table 1. Child Trafficking in India (2014-2020)**

YEAR	TOTAL NUMBER OF CHILD TRAFFICKING CASES	CHANGE IN THE TOTAL NUMBER OF CHILD TRAFFICKING CASES ANNUALLY (%)
2014	5466	
2015	3490	-36.1
2016	9034	158.85
2017	3535	-60.87
2018	2834	-19.83
2019	2914	2.82
2020	2222	-23.74

Source: "Crime in India" reports' (2014-2020), National Crime Record Bureau, Ministry of Home Affairs, Government of India.

### SPATIAL AND TEMPORAL FACTORS CONTRIBUTING TOWARDS CHILD TRAFFICKING

During 2014-2020 trafficking of children displays a weakening drift in the entire country. (Figure 1). The total number of cases have declined by 59.34% during the year 2014-2020. During the study it has been observed that the year 2014 had 5466 cases followed by 2016 which had highest number of cases (9034) tracked by 2017 which reported about 3535 cases. The number of trafficked children were reported lowest(2222) in 2020, during this study period (See Table 1; Figure 1). West Bengal has the largest number of instances recorded between 2014 and 2020, followed by Rajasthan, while Delhi reported the highest number of cases amongst UTs. In 2014, the number of cases were large in West Bengal (1096) followed by Tamil Nadu (509) but highest RCT was in Haryana (1.32) followed by Assam (1.2) and Daman and Diu (2.58) amongst UTs. Tripura, Mizoram, and Lakshadweep did not report any incidences of child trafficking, which is noteworthy. (See Table 2; Figure 2). Rajasthan displayed maximum number of RCT (1.03) in the year 2015 followed by Arunachal Pradesh (0.85). Delhi stands highest amongst UTs with the RCT being (0.99) in 2015.

Mizoram, Nagaland within the Indian states and Andaman & Nicobar Islands, Lakshadweep and Ladakh within the UTs had not reported any cases of child trafficking in 2015. (See Table 2).

West Bengal had the biggest number of share (20.05%) in overall child trafficking cases amongst all the states and UTs in the year 2014, followed by Tamil Nadu (9.31%). Delhi had the highest percentage of cases (13.31%) in terms of total number of cases in 2014. In 2020, Rajasthan had reported maximum number of cases (36.67%) of child trafficking, though the graph seemed to be deteriorating followed by Kerala (8.28%), Odisha (7.15%) and Bihar (5.53%). Delhi reported to have (9.09%) of cases among UTs in India. In spite of the reduction in number of child trafficking cases throughout the country, Rajasthan was reportedly noticed having a sharp increase in number of cases during the period of 2014-2020. Kerala, Odisha, Delhi have reported increase in number of RCT from 2014-2020. (Table 2). In today's world, the quickly rising sex business is a major contributor to the rise in trafficking among children. India has three million prostitutes, including a significant number of children, this is mentioned by Ministry of Women and Child Development (MWCD), Government of India (2014–2015). Their access to brothels is majorly through trafficking routes. Huda (2006), claims that "illiteracy, dependence, violence, social dishonour, cultural preconceptions, gender imbalance, and chronic poverty" (p. 374) have left children in feeble situations in society, making them exposed to human trafficking. As per the Planning commission (2013) country's poor population was estimated to be 269.8 million people, i.e. 21.9 percent of the total population. There have been no official poverty estimates produced in India since then. The extreme economic condition of families living a life below poverty line expose the children to such vulnerabilities. India has been a target nation for supply and transit country of children contributing towards prostitution and sexual exploitation, and neighbouring countries are a party to this, e.g. Bhutan, Nepal, Myanmar, and they supply further these children to Middle East and South East Asian countries (Joffres et al., 2008).

**Table 2. Rate of child trafficking (RCT) across the state and UTs in India (2014-2020)**

2014					2020		
S.NO	STATES	POPULATION OF CHILDREN ('00000 PERSONS)	TOTAL NO. OF CASES-CHILD TRAFFICKING	RATE OF CHILD TRAFFICKING (RCT- 2014)	POPULATION OF CHILDREN ('00000 PERSONS)	TOTAL NO. OF CASES-CHILD TRAFFICKING	RATE OF CHILD TRAFFICKING (RCT- 2020)
1	ANDHRA PRADESH	509.2	365	0.71	526	23	0.04
2	ARUNACHAL PRADESH	12.9	2	0.15	15.2	13	0.85
3	ASSAM	318.2	407	1.2	347.9	84	0.24
4	BIHAR	1019.4	395	0.38	1219	123	0.1
5	CHATTISGARH	253.4	51	0.2	292.4	35	0.11
6	GOA	19.3	23	1.1	15.5	1	0.06
7	GUJARAT	615.9	56	0.09	691.7	65	0.09
8	HARYANA	268.1	356	1.32	292.1	7	0.02
9	HIMACHAL	70	9	0.12	73.6	2	0.02
10	JAMMU & KASHMIR	122	1	0.008	133.4	2	0.01
11	JHARKHAND	329.1	184	0.55	381.2	114	0.29
12	KARNATAKA	614.1	472	0.76	665	2	0.003
13	KERELA	353.3	155	0.43	353.7	184	0.52
14	MADHYA PRADESH	760	74	0.09	837.6	79	0.09
15	MAHARASTRA	1176.9	360	0.3	1236.8	49	0.03
16	MANIPUR	25.4	3	0.11	31.4	4	0.12
17	MEGAHALAYA	27.2	17	0.62	32.6	1	0.03
18	MIZORAM	10.4	0	0	12.1	0	0
19	NAGALAND	23.4	4	0.17	21.8	0	0
20	ODISHA	419.1	152	0.362	454.7	159	0.34
21	PUNAJB	286.7	77	0.26	301.8	65	0.21
22	RAJASTHAN	713.2	180	0.25	786.1	815	1.03
23	SIKKIM	6.4	2	0.31	6.7	2	0.29
24	TAMIL NADU	687.8	509	0.74	761.7	24	0.03
25	TELANGANA	362.7	398	1.09	375.4	32	0.08
26	TRIPURA	37.6	0	0	40.4	2	0.04
27	UTTAR PRADESH	2123.9	43	0.02	2289.3	61	0.02
28	UTTRAKHAND	104.1	24	0.23	113.1	9	0.07
29	WEST BENGAL	921.9	1096	1.18	977.2	53	0.05
<b>S. NO</b>	<b>UNION TERRITORIES</b>						
1	ANDAMAN AND NICOBAR ISLANDS	5.4	12	2.22	4	0	0
2	CHANDIGARH	16.8	1	0.05	12	3	0.25
3	DADRA AND NAGAR HAVELI	4.1	1	0.24	10.4	2	0.19

4	DAMAN AND DIU	3.1	8	2.58			
5	DELHI	202.8	27	0.13	203.2	202	0.99
6	LAKSHADWEEP	0.8	0	0	0.7	0	0
7	PUDDUCHERRY	15.9	2	0.12	15.5	5	0.32
8	LADAKH				3	0	0

Source: National Crime Record Bureau, Ministry of Home Affairs, Government of India; Crime in India (2014 and 2020), Rate of child trafficking computed by the authors.\*Rate of child trafficking = Number of cases of trafficked children/100,000 child population.

India has the maximum number of youth population and out of which 472 million accounts for child population (Census of India, 2011). Various demons of crime are existing in India like child labour, child marriage, prostitution, also children in care of need and protection (CNCN) are to be taken special care off to prevent further crime rates, and children in India are easy prey to various evils. One of the major crime existing in the society against children in child trafficking hindering their rights and growth excessively. (Nair, 2005). Numerous studies have shown that India is the epicentre of overall human trafficking particularly targeting children. (Nair and Sen, 2004). Therefore, India's image has been reflecting as a transit point, a destination, and a source of human trafficking. People who have been trafficked are transported from and to India, and then sorted into various destinations with numerous transit locations in between. India is seen as an easy target for the transit and destination of human trafficking. People trafficked from and to India are further segregated for different destinations with countless transfer destinations in between.

Kolkata, Delhi, Surat, Bengaluru, Mumbai are the key destinations for both Indian and foreign child being trafficked. Transit and destination routes for trafficking are categorised under three broad headings i.e. local, national, international (Mohanty, 2017). Indo- Nepal border, Indo- Bangladesh border, Indo- Myanmar border are considered to be extremely sensitised areas amongst border regions. In Assam, as well as other places such as Nagpur and Pune, Nepalese women and girls are becoming increasingly vulnerable to sex trafficking, US State Department (2017). Because this problem is illegal and clandestine, statistics on child trafficking in India are complicated and difficult to get. Despite the lack of hard numbers, experts estimate that children and women are trafficked in millions in India. Despite large estimates of trafficked victims, only 6,877 incidences of human trafficking-related criminality were reported in 2015, compared to 5,466 cases in 2014. (NCRB: Crimes in India -2015). The most important supply centres for this type of trafficking are the states of South India. Tamil Nadu, Karnataka, Telangana and Andhra Pradesh collectively accounted for 31.90% in 2014. The old devadasi system is a responsible factor for such activities in South India. Despite the fact that devadasi Abolition Act was rolled out in 1929, the customary practice of devoting girl child towards temples is still practised in states of South India under various names. (Acharya, 2011).

#### MEASURES INITIATED BY THE GOVERNMENT

India has become a primary part of the worldwide network of child trafficking, which seems difficult to disconnect with this evil practice. For breaking the chains of this implanted network and curbing such practices, there are countless legislative measures that the Indian government has implemented. Initiatives have been made to adhere to several international norms and protocols including United Nations Convention on Transnational Organised Crime (UNTOC), of which prevention, suppression and punishment of people involved in trafficking (especially women and children), is one such protocol which has been particularly taken care off and is also known as Anti- trafficking Protocol ASEM (Asia Europe Meeting) for battling human trafficking. For the implementation of this convention a number of measures have been executed, according to the protocol, Criminal Law Amendment Act, 2018 has been in action with a special mention of human trafficking definition. Another measure includes SAARC Convention where India has consented to work on prevention and combating of trafficking among children and women. For making this effective a regional task force has also been devised. Constitution of India also restricts human trafficking under Article 23 (1), the Immoral Traffic (Prevention) Act of 1956 established penalties for brothel keeping (ITPA). In the year of 1978 and 1986 this law was amended to comply with the international protocols and treaties that prescribe harsher punishments for any sort of trafficking-related exploitation. Though there has been no provision defined in Immoral Trafficking of Prevention Act which considers prostitution as an offence. Involvement in any kind of sex work is considered as a criminal offence. Furthermore, Indian Penal Code (IPC) and subsequent amendments address the concern, including procurement of minor girls (below the age of 18) with an intention to force the girl to have illicit intercourse (366A) is termed to be a punishable offence which includes sentence upto ten years; importing minor girls under the age of 21 from foreign countries with intent to force her for being involved into illicit relations (366B) is punishable with a imprisonment of ten years; kidnapping and abduction of people for making them sexual slaves and causing them grievous hurt, is punishable with a term for seven years and fine (370);

trafficking of persons and engaging them in sexual exploitation (370A) is punishable with five to seven years and fine; selling and disposing of minor (under the age of 18) fulfilling the purpose of prostitution (372) can be sentenced up to ten years of imprisonment and fine. Buying, hiring or possessing any minor girl (under the age of 18) for prostitution (373) is a punishable crime with a fine and prison sentence up to ten years. Under section 375 (IPC), sexual intercourse with female minors, whether voluntary or non-consensual, is deemed as rape. Forced or bonded work is illegal under the Bonded Labour Abolition Act of 1976. Under this statute the punishment is up to three years of imprisonment and a 2,000 rupee fine. Children under fourteen years of age have been barred from working in any hospitality industry like hotels and restaurants, as well as for domestic labour, since October 2006. Forced or bonded work of children is punishable by up to three years in prison under the Juvenile Justice (Care and Protection of Children) Act of 2000. Commercial dealing in human organs has been made illegal under the Transplantation of Human Organs Act of 1994. Trafficking in human organs for profit carries a two- to seven-year prison sentence and a fine (Article 19). The Goa Children's Act (2003) defines the crime of trafficking for the first time in India's legal history and is considered as a standard base. Its only focus is on child trafficking. Furthermore, this rule prohibits both male and female children from being trafficked for any sort of exploitation. These offences are punishable by up to ten years in prison and a fine of up to 200,000 rupees, and the aim of Protection of Children from Sexual Offences Act 2012 (POCSO) is to battle child trafficking in India. Individual states have also passed legislation to target traditional types of child sexual exploitation. The Devadasi (Prohibition of Dedication) Act (1989) in Andhra Pradesh and the Devadasi Prohibition Act (1982) in Karnataka are two acts addressing these issues. The statutes further say that anyone who performs, promotes, or participates in such dedication ceremonies will face a three-year imprisonment as a consequence for this offence.

The National Policy for Women's Empowerment outlined a range of measures and methods to combat women and girl trafficking in 2001. In the year 2006, the Ministry of Home Affairs established an Anti-Trafficking Cell (ATC) for keeping a track on ongoing investigations. Despite the fact that trafficking is outlawed under the constitution, India attempts to address this issue by adopting wide variety of laws on various areas of trafficking rather than constructing a single comprehensive body of legislation. There are two significant blemishes in this system. First, there is no universal legal definition of human trafficking, which leaves a loophole for traffickers who claim that their actions cannot be termed as trafficking. Second, because several laws overlap in jurisdiction, traffickers frequently are sentenced to short term sentences due to the subjective application of multiple laws that exist. One major vexing defect in anti-trafficking legislation is that sex trafficking is given higher emphasis than other types of trafficking. Sex trafficking, is the term which is majorly associated with laws that use the term "trafficking" or relate to the sale of humans. Rules and policies enacted at various levels of government surely face lowering impact on it. These crimes cannot be eliminated by legal provisions alone. Legislation makes plays one part to create a periphery of protective environment, while the effective enforcement contributes to the other half of this periphery. Lack of training to police personnel and persons involved in administration of the state, accompanying ignorance of legal rules, result in insufficient victim identification and inefficient tracing of the traffickers as well as their prosecution also seems to be ineffective. Only 7 percent of the police offices surveyed according to the National Human Rights commission reports, have been trained on trafficking statutes. Furthermore, a shocking number of 80 percent police personnel accepted that they paid minimal attention to human trafficking cases (NHRC-UNIFEM-ISS, 2004). Under the direction of the National Human Rights Commission, a pilot initiative for police officer sensitization and training is now underway.

#### **NGO MOVES TO CURB CHILD TRAFFICKING**

NGOs, in addition to government activities, play an important role in combatting child trafficking in India. These organisations are engaged in raising awareness about probable threats related to child trafficking, specifically in highly risked areas, with the help of various campaigns against the fallacies and ancient practises such as the devoting the girl child towards God, as well as providing assistance in the field of education and social security to underprivileged families.

NGOs help in counselling children and removing a mental blockage from their mind of the social acceptance after this evil crime has happened to them. Also these NGOs provide vocational trainings and have taken several initiatives to give training to the child who suffers this stigma. CHILDLINE foundation in India is one of the major organisation working towards curbing crime against children. It is a nodal agency of Union Ministry of Women and child development and is the sole organisation working towards the childline service across the entire country. They monitor service deliver and finance, training, research and documentation, public awareness etc. The forum against child sexual abuse (FACSE) is a group of interested activists. The group has brought many child sexual abuse cases in the radar. This forum also provides for services like trauma counselling to the children who have been subjected to sexual abuse and sexual exploitation. The programmes are primarily expected to aid in the prevention of children being tricked and trafficked, as well as the reduction of difficulties associated with illegal migration. Many programmes have been designed to create and secure jobs

within the country. In a developing country like India, there are families which are subject to acute shortage of food, parents are sending their child out in search of employment opportunities, and NGOs are trying to save them from being tricked by fancy employment opportunities and options given to them. The NGOs and the government in coordination, cooperation and with each other's support can create a rescuing process of trafficked children in the country. This process can be created for children being trafficked within our country and for children being trafficked from any other country and brought in India. This collaboration and team is required at all the levels. The process can be initiated when the NGOs can unite with the police officers for creating a rescue mechanism for the children to be protected from abusive circumstances and following a legal pathway through immigration office or government welfare departments, and finding out the best relevant information in order to boost and support the morale of the trafficked victims. The NGOs can tie up with the related organisations of that particular country to assure and guarantee safe repatriation of the victim to its own country.

## CONCLUSION

Despite the best endeavours put in by thenational and state governments, local administrations, non-governmental organisations in India in current scenario, child trafficking is still carried on as an organised crime. Traditional gender roles, male dominated society, oppression of children, economic instability, and sexual violence against children are all important impulses helping this crime to be a part of the society. Child trafficking is fuelled by rising demand for prostitution, sextourism, marriage, and the reproductive market. The immoral connection of corrupt politics, administrations, and law enforcement agencies fosters illegal behaviours, resulting in largerevenues at minimal danger for people involved in trafficking who are guarded and tied by ungodly knots of corrupt politics, administrations. In this backdrop, the rising number of missing girls raises severe worries about the true scope of child trafficking in India, necessitating further investigation. Looking into the data variation three pattern have been witnessed in the entire country. (i) Regions having high rate and thickened layer of trafficking, (ii) areas that are low in trafficking rates but still can encounter increasing trends e.g. West Bengal and (iii) areas with low or no trafficking. All the above three patterns need to be investigated further in detail for discovering true factors contributing towards trafficking. Their identification will promote in aiding the region wise policy developments and crime prevention. Economic imbalances have to be dealt with in the country by addressing them at micro levels in every region as this is a major contributor towards child trafficking. There are states that reflect low rates of child trafficking but the actual rates of incidences can vary. To effectively prevent child trafficking and protect the child from being sexually abused or exploited, the entire legal processes involved have to be seen right from the stage of filing of a complaint to registration of the FIR and filing of a charge sheet till the commencement and conclusion of the trial proceedings in the courts. Mere introduction of child reforms cannot do justice to the victims of the child trafficking. The entire laws in relation to child trafficking need to be amended, both the substantial and the procedural laws, to ensure an effective prosecution of the offenders who commit the offence of child trafficking. Further the inter-governmental structures and systems need to be planned and effectively worked upon for laying great emphasis on prevention of child trafficking. The most effective prevention measure is awareness and education to the children from a very young age as to how such offenders of child trafficking may operate and how to deal with them. To protect child trafficking promote social security, the government, academics, NGOs, and the administration must pay immediate attention and make united efforts.

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