Preface

It is said that all round development of a nation depends upon the development of its women and children. The constitution of India ensures not only equality to women but also empowers the State to adopt effective measures in favour of women and children, for neutralizing the cumulative socio-economic, educational, political disadvantaged faced by them. The directive principle of state policy also lay down the major goal of a welfare state with gender equality as a core objective. The Indian constitution prohibits all forms of trafficking under Article 23. The Suppression of Immoral Trafficking Act, 1956 (amended as to the Immoral Traffic Prevention Act, 1986) was in response to the ratification of the International Convention on Suppression of Immoral Traffic and exploitation of prostitution of others in 1950 by India. Inspite of these instruments, the violence against child, particularly, is trafficking in child for prostitution in on the rise.

Trafficking in children is one of the worst and most brazen abuses violating the rights of child. It is a blot on our collective consciousness. One of the most visible and widespread is the trafficking of children for commercial sexual exploitation. The issue of the sexual exploitation of women and children is not new, as it goes back into the history, cultures and traditions of many societies. What is new is the unscrupulous and massive scale of the problem, exacerbated by globalization, modern technology and its link to a lucrative tourist and sex industry. Trafficking is increasing dramatically in the Asian region, but the phenomenon spans the globe. While the fact of its existence is known to most of us, the enormity of the problem, its underpinning and its ramification are often blurred. Those who have experienced the exploitative and dehumanizing experience of being trafficked and sold into servitude undergo severe emotional and mental trauma.
These children are sexually exploited for profit. It is an intensely depraved form of sexual exploitation. Although all prostitution is exploitative, but in case of mature men and women there is some element of volition or consent. They are subjected to unspeakable torture to adopt a way of life from which there is no escape.

With the growing number of cases on child prostitution and child abuse there is an urgent need for law and also for law reform. The new law must honour the basic dignity of human life regarding the innocence of children making an unambiguous distinction between commodities, services on the one hand and human body and life and other. The law enforcing mechanism should consider the phenomenon of child prostitution as a socio-legal and human problem. They should be strict, on one hand, with the persons involved in the procurement of girls and on the other, be considerate and sensitive to the girls who become victims of circumstances.

Therefore, in the present study an attempt is made to examine the socio-legal issues in relation to the victim, so that some concrete ways can be made out which can help in reducing this gross violation of human rights in India. For the convenience of discussion and to explore better possibilities, the concept of international law on trafficking in child for prostitution, has been discussed in the succeeding chapters. This study is divided into seven chapters. The first chapter deals with the meaning of prostitutes and prostitution and it shows that the concept of prostitution exists from the ancient world but the form has been changed in the era of globalisation. Today it has become commercialized vice on an open and organized scale involving ruthless third party interest of the procurers, pimps and brothel keepers. The concept of child prostitution has been dealt in the second chapter which is one of the worst, the most brazen abuses of
The third and the fourth chapters begin with a brief discussion of the international and legal framework on anti-trafficking followed by the existing laws in neighbouring countries. A review of the laws and provisions of various countries provides an impression of the growing awareness and recognition of the issues relating to trafficking across the world. Most of these countries have made efforts to amend their existing laws or to introduce new legislation in consonance with international instruments. India too is a signatory of international instrument and has adopted the Suppression of Immoral Trafficking Act, 1956 to combat with child prostitution. Various other laws are Indian Penal Code, Criminal Procedure Code etc.

The chapter five presents a study of the judgements by the Supreme Court of India, several High Courts and the trial courts. Besides the landmark judgements by the Supreme Court in Vishaal Jeet and Gourav Jain cases, the recent discussions by the high court of Mumbai and Delhi on trafficking in child prostitution have been studied. The chapter six provides an account of the policies and programmes initiated by the National Human Rights Commission, National Commission for Women, Department of Women and Child Development and the non governmental organizations. An attempt has been made to list out some of the important initiatives taken by them. The research has shown that every wing of the community has something to contribute to the anti-trafficking programme.

The last chapter, which is the seventh chapter, is the concluding chapter. In this chapter the ideas discussed in the preceding chapters have been summed up and conclusions have been arrived at. Besides, important suggestions have been made therein. The suggestions are —

- Special courts, within certain time frame, should handle all cases involving sexual abuse of children.
• The laws governing prostitution are biased against the prostitute. Under the Prevention of Immortal Trafficking Act, the customer is not an offender. Under the India Penal Code, transmitting a sexually transmitted disease is an offence. The prostitutes can be isolated compulsorily if she is found to have AIDS. The rescue operation have led to a spate of glaring human rights abuses of the prostitutes including right to freedom from violence, right to shelter and residence, right to seek legal help, right to family, right to information and right to representation.

• The Prevention of Immoral Traffic Act 1986, to be more effective, needs the following measures:
  - Notification of Public place
  - Closure of brothels keeping minors
  - Setting up of special courts for speedy trials.
  - Rescue operations to be more humanely and sensitively carried out along with rehabilitation plan protecting the human rights of the prostitutes.
  - Age verification of the rescued children to be immediately carried out along with rehabilitation plan protecting human rights of the prostitutes.
  - Age verification of rescued children to be immediately carried out. Infact, it should be linked to the rescue operations.

• Under the Immoral Traffic prevention Act 1986, 75 percent of those arrested are females. It is evident that the Spirit of the Act has not been followed as the victims are been harassed.