

CHILD TRAFFICKING FOR EXPLOITATION IN JHARKHAND: A CURSE ON HUMANITY

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ABSTRACT

Trafficking is such a profitable business that traffickers enjoy with the easy money made by targeting individuals into misery and pain forever. For this reason they can do anything to achieve their targets according to the demands in the market, so they adopt different techniques and methods to lure and indirectly exposing them to exploitation by traffic the innocents irrespective of their consent. The present paper explore the various forms and pattern of trafficking especially of children as they are the easy targets for the traffickers and also suggest remedial steps for preventing child trafficking.

KEYWORDS: Trafficking, children, exploitation, missing children, child labour.

INTRODUCTION

"Children are the only future of any people. If the children's lives are squandered, and if the children...are not fully developed at whatever cost and sacrifice, the people will have consigned themselves to certain death"

- Frances cress welsing

Human trafficking is the illegal recruitment, transportation, transfer, harboring and receipt of a person especially one from another country with the intent to hold the person captive or exploit the person for labour, services, and body parts. "The recruitment, transfer, transportation, harboring, and receipt of a person by means of threat or the use of force or other forms of coercion, abduction, of fraud, of deception of abuse of power or vulnerability or of the giving of or receiving of payments or benefits to achieve the consent of the person having control over another person for the purpose of exploitation." Child trafficking means "any person under 18 who is recruited, transported, transferred, harbored or received for the purpose of exploitation, either within or outside a country"

BACKGROUND

Child trafficking is not a new crime emerged it is existing in society from the medieval period. Child trafficking has put its seed during the fall of soviet Russia, due to mounting poverty this offence began to grow up, In 1904 an international agreement for the suppression of "white slave traffic" was made but it failed because of the first world war and this crime spread its roots again, but for a second time efforts were made on June 21, 1921, league of nations held a meeting on "trafficking of women and children" and to watch out all the countries to be dealt with this problem. During the time of World War 2 in Japan Asian

women were forced into sexual slavery and were kept into stations known as “comfort stations” and men gained access to them while paying a fee. In the year of 1956 an initiative was taken by India, it passed the Immoral Traffic Prevention Act, 1956. Trafficking in India of women and children is a frequently happening event and all the happenings seem to be associated with the natural, demographic economic and social factor.

The basic issue for concern and the motive for going on with this paper is to research that why this crime of trafficking is flourishing in spite of preventive measures taken by the bodies of Government and even by non-governmental bodies. This issue has crop up because of growing crimes in society of this trafficking. According to estimation around 6, 00,000 to 8, 00,000 people are trapped in the web of trafficking across the international borders and out of it half of the victims are children worldwide! Available records of National crime records Bureau show a total of 3,554 crimes related to human trafficking as compared to 3,517 previous and around 2,080 some more years back. Also a minister Jitendra Singh, former minister of state home affairs said that almost 60,000 children are missing in 2011.

National crime records bureau data demonstrates an augment in instances of child trafficking for the felony of ‘procurement of minor girls’, ‘importation of girls from overseas country’, ‘selling of girls for prostitution’ and ‘trading of girls for prostitution’. Cases have increased of these crimes from 214 to 991.187

REASON OF CHILD TRAFFICKING

Millions of women and children are trafficked each year in India which has been declared as, India is “a source, destination and transit” country for “men women and children subjected to forced labour and sex trafficking”. The innocent and trapped children are a source of profit for a long chain of people taking an active part in their trafficking. This could be going through a long sequence but with the help of mediators it could performed easily which would include recruiters, transporters, brothel owners and pimps. This complex networking of criminals aid them in flourishing in their trade this network could include police officers, government officials, even father and mother. Trafficking of women has also been started for coerced marriages, as due to infanticide and female feticide there has been acute shortage of girls in states of Punjab and Haryana which has led to the demand of brides from other states. There are a lot of grounds existing which are the cause of human trafficking as well as child trafficking.

The two aspects which emerge automatically in psyche are that (i) What are the circumstances leading to trafficking and (ii) Why is this done? The first facet is that trafficking in India is basically done in poor localities where poor being most vulnerable section of society are lured and attracted by the people to provide work and even better standards of life, so by being under this influence people sell their children to the traffickers’ mob while they get trapped and are forced to beg or sell their organs or work as a slave and minor girls are subjected to sex trades. Socio-economic backwardness is a key factor in child trafficking, “Many families are unable to afford the basic necessities of life, which forces parents to sell their children. Some children are abandoned by families who can’t take care of them. Some run away to escape abuse or unhappy homes. Gangsters and middlemen approach these vulnerable children.” It is also asserted that this crime of human trafficking is basically fuelled by poverty, lack of proper education, and demand for labour and sex, also social inequity between man and woman is part of it. Secondly, it could be seen that-

Trafficking is basically done for exploitation

- Sexual Exploitation
- Forced Labour (Slavery)
- Organ Trade

- Begging

TRAFFICKING FOR SEXUAL EXPLOITATION

Child sexual exploitation occurs where:

- A child is compelled by force, the threat of force, intimidation or the abuse of power or a position of trust to engage in sexual conduct; or
- There is an exchange of a controlled substance (ex: drugs/inhalants/alcohol) for sexual conduct.

Globalization has increased the cross border trade and women and children are trafficked to the other countries too for commercial sexual exploitation, approximately 80 per cent of children globally are trafficked for sexual exploitation, according to an estimate 1.2 million children are being bought and sold for sexual slavery every year, and India has become a poisonous hub, for this sexual trade.

Child sexual exploitation can happen through the utilization of various technologies by the sex traffickers without the consent of child as like persuading them to post sexual images on the Internet/mobile phones for their gain. Child sexual exploitation doesn't always involve physical contact and can happen online. Girls and young women are often trafficked by being allured, Beguiled and kidnapped and after that are presented to their clients and customers to have pleasure of sex with them and is they try to avoid and resist them they get the beatings as end result. Studies which have been done currently show us that more than 40 per cent of women sex workers are completely drowned into prostitution before the age of 18 years. Furthermore, there are very less chances of rehabilitation of the children who have been trafficked. Prostitution of child, their sale and trafficking and also child pornography involving girls and boys are interlinked.

AFFECT OF THE CULT

As inestimable forms of ceremonies, rituals, rites, worships, exist in India which has shaped the society and laws in its forms, customs even are regarded above laws, and religion and customs give a proper contour of society and social standards of people are framed out of religion and religious values, the reference here is to the sect which favored to the system of 'Devadasi' which literally means the 'female slave of the God', and this exist even today which makes women as slave, this leads to the trafficking of women for the fulfillment of their purpose, also known as a form of temple prostitution.

Children who are primarily at risk of sexual exploitation incorporate street children, children of sex workers, refugee children and children staying in communities where tradition or custom thrust them into sexual exploitation, also children residing in institutional care, or in work places, particularly in domestic labour. The widely held faction of trafficked children for sex are Dalits or Tribals (from India's aboriginal tribes), who fall beneath the caste system.

According to a girl named Elaina Kujar who was 14, when she was trafficked to Delhi from the Lakhimpur district of Assam and spent four years there as a sex slave. Reporting based on the Guardian newspaper the condition of that girl was that her owner "would sit next to her watching porn in the living room of his Delhi house, while she waited to sleep on the floor. "Then he raped me," she said It is estimated that around thousands of girl like her are sold into slavery of this kind. Though for the most part sex-trafficking is done to supply girls for brothels and other agencies, progressively more trafficking is taking place for pornography, including filming and live feeds for the internet, and to fulfill the demand of people for sex-tourism. Existence of trade in boys for sexual exploitation could also be seen. Girls tend to be exploited in

organized clubs, bordellos or houses, boys spend their time on their own or in small groups and are targeted in streets, parks, plazas and beaches. A research was conducted in 2003 by ECPAT International and Equations and by its associate group in India, brought into light the augment of child sex tourism in India. A recent study done by the NHRC bring into being that traffickers are using women and children for pornography and they have a preference of teenage girls for this purpose. The report in supplementary found that trafficking for the production of pornography takes place in Kerala, Tamil Nadu, Karnataka, Andhra Pradesh, Maharashtra and Bihar. Children from these states are also trafficked to other countries, such as the United Kingdom, and to other States for pornographic purposes and the data collected from Kolkata also supports the fact that the number of women and children trafficked from Bangladesh and Nepal is increasing every year.

TRAFFICKING FOR BONDED LABOUR (SLAVERY)

“The trafficking of human beings is unacceptable under any circumstances, but the trafficking of vulnerable children and young people is a violation of their rights to protection from exploitation, to play, to an education, and to health, and to family life.”

- Frans Roselaers

Debt or bonded labor, which according to Anti-Slavery, a Non-Governmental Based Organization, “it is the most widely used method of enslaving people”. Trafficking in children is a result of demand of cheap labour in intra and extra territory which violates the human rights of children, and put them to slavery. Child trafficking is topic of concern as it makes the children vulnerable and they lose their protective shield of homes and are exposed to various threats. Though no exact figures exist, the International Labour Organization (in 2005) estimated that 980,000 to 1,225,000 children including boys and girls both are in a forced labour situation due to trafficking. The 2013 Global Slavery Index, published by the Australia-based Walk Free Foundation, which is an organization working to end up slavery has through its research brought the data that most of the “modern slave” workers are from India. Several traffickers entice children to move long distances from their home for work, most often they make promises of jobs and good pay that fail to turn up. Representatives who are appointed by traffickers also propose advances to the family of children’s serving this as a loan, and indebt the members of family and then they are bound up by this bonded labour secret arrangements done by them to trap the innocent children and give their children as a slave.

After the passing of South Asian March which was against Child Trafficking and in which the issue of forced labour, child labour and bonded labour was linked with trafficking. In year 2007, in the month of March the agency of UNODC with other United Nations agencies and the NGOs launched a Global Initiative which was meant to Fight Human Trafficking with a very strong stress on forced and bonded labour. Likewise, also the Unites States Department of States presented a Trafficking in Persons Report 2007 which has notably defined and elaborated the interlinking between bonded and forced labour and trafficking of human beings.

The plight of Indian tea workers primarily is very pathetic when talked about the states like Assam and West Bengal which have become the focal point of a major international campaign that argue that the trafficked children are poorly paid when taken by the traffickers, often children are lured for money and they end up enslaved in factories where they are brutally beaten up and no wages is provided to them.

Vulnerability of these children was brought into discussion, which were being exploited by merciless labour agencies, in October when the Nobel Peace Prize was awarded to children's rights activist Kailash Satyarthi for his work highlighting child labour conditions in India (Bachpan Bachao Andolan)

JHARKHAND THE HUNTING GROUND OF CHILD TRAFFICKERS

According to a news bulletin it was seen that Delhi crime branch arrested a couple from Jharkhand involved in trafficking the article lines read as “The accused, identified as Panna Lal and his wife Sunita Kumari, were wanted in a case of human trafficking, they trafficked children from Jharkhand to be employed as domestic helps in Delhi-NCR through their placement agencies.”

Khunti is one of five districts that form the Jharkhand belt — the others are Gumla, Simdega, Lohardaga and Latehar. The Jharkhand belt supplies domestic help to thousands of homes in Delhi and satellite towns such as Noida, Gurgaon and Faridabad. These factors make it prime hunting ground for traffickers such as 42-year-old Mahto, who had amassed assets worth over Rs 65 crore in Delhi and Jharkhand, having allegedly trafficked about 3,000 girls and women by the time of his arrest last October, the result of a joint operation by the Delhi police Crime Branch and the Jharkhand Anti-Human Trafficking Unit (AHTU). About 4,000 children have gone missing in Jharkhand over the past 10 years. Of these, 1,000 are yet to be traced, according to the CID. Approximately 42,000 girls have been trafficked from Jharkhand to metropolitan cities, as per the NGO coalition Action against Trafficking and Sexual Exploitation of Children (ATSEC), making it a major hub of human trafficking in India. Anubhuti Nag, a tribal girl who will turn 18 next month, was among the first few girls in Patsera, a Naxal-affected village of about 100 families in Gumla district, to make the trip to Delhi. Within two weeks of her arriving in the city, a man named Mukesh Kumar, a Jharkhand native in his late 40s running a placement agency, hired her for Rs 5,000 per month. Anubhuti’s job was to receive potential recruits at the railway station, bring them to the office of the agency, keep a check on about 50 girls placed across the city by the agency, and accompany the new recruits on their maiden visits to the homes of their employers. Gradually, Mukesh spotted a potential trafficker in Anubhuti and offered her Rs 10,000 for each girl she could get from her village to Delhi. One afternoon, Anubhuti discovered that the bag containing all her ID documents was missing. She confronted Mukesh. “Don’t pay me, but please return my documents. I want to go home,” she reportedly said. When he wouldn’t listen, she became angry and slapped him. Enraged, Mukesh and two aides raped her. The following week, Anubhuti was rescued in a joint operation by the Jharkhand and Delhi police, but the rape was not recorded or investigated, on her request. Back in their villages, girls like Anubhuti find themselves out of place as the government does not run any programmes for their rehabilitation. Wearing branded jeans and a T-shirt, with a smartphone in her hand, she looks starkly different from the rest of Patsera’s inhabitants. She is more confident, speaks fluent Hindi with a smattering of English words such as ‘park’, ‘society’, ‘hello’ and ‘bye’. The villagers call them ‘Dilli return’ girls. There are few prospects for them here. Anubhuti supports her family of five on her savings of Rs 25,000. She hasn’t thought about what she, or they, will do once that is exhausted. In addition to the financial insecurity, Anubhuti and others like her find it difficult to readjust to village life. This makes them vulnerable to re-trafficking, the signs of distress are visible in the numerous child care institutions that have mushroomed across the state. And in the fact that many families do not come to claim daughters that have been rescued. Anjali Munda, 15, a tribal from a village in Khunti and a trafficking survivor, has lost hope of ever being reunited with her parents. They were contacted by the police three months ago, but have stayed away. At her Sahyog Village (Sahyog is Hindi for assistance) facility alone, there are more than a dozen survivors in the same predicament. “Some parents are not willing to take them back. Others don’t have the resources to support them Weekly markets and village fairs, local buses, and crossroads in Ranchi city where villagers gather in search of work are points of contact for traffickers and potential victims. “These chowks are also now becoming recruitment centres for agents who lure women and girls to Delhi for work While some leave without telling their families, there are parents who send their children off with ‘agents’ in the hope that they will find employment in a big city. Even those that are placed in jobs as promised end up isolated and dependent forced to work as domestic help in slave-like conditions. Most are never paid. ATSEC found

that only 25% of the women who leave the Jharkhand belt with agents remain in contact with their families. “Usually, parents stop hearing from their children and the agents stop taking their calls,” Approaching police is a taboo in Naxal affected villages, so many cases remain unreported. The women just disappear, and there is no one equipped to look for them. In Gumla’s villages, the writing is literally on the wall. Messages warning people about human trafficking are scribbled on the exterior walls of houses and read, “Saavdhan. Kahin aapke bacche maanav vyaapar ka shikaar toh nahin (Beware. May your child not fall prey to those who trade in humans).” Although the state government has taken some initiative to combat trafficking, establishing district child protection forces and special juvenile police units, implementation and enforcement are poor.

TRAFFICKING FOR ORGAN TRADE

According to United Nations protocol, “Organ trafficking consists of recruitment, transportation, transfer, harboring or detaining of people for the purpose of organ removal and exploitation”. It was affirmed at the Second Global Consultation on Human Transplantation of the World Health Organization (WHO) in March 2007, the organ sales from commercial living donors has now become too palpable as according to the estimate around 5-10% of the annual kidney transplants were performed around the world. According to the report of the United Nations child trafficking for organ harvesting is occurring on a large scale and that “many abducted or lost children are consequently found dead, their bodies mutilated and various organs removed”. Persons can be kidnapped, sold or killed for their organs. Organ donors have been coerced into selling body parts. Also after leaving their homes, itinerant workers who have been promised jobs that fail to materialize, are locked in safe houses until they are a match for a kidney recipient. The donor is then forced to relinquish an organ if he or she hopes to return home.

India has been regarded as a major supplier for illegal and immoral body organ harvesting. It is obvious, that instantaneously after the 2004 Indian tsunami, several foreign squads landed under the cover of "human aid" in chartered planes, but their actual work was of harvesting of the organs of the orphans left after the disaster. Also according to one secretary of Patna, state home department, named Alok Raj, who said that children below six years of age are most vulnerable group of organ trade, by quoting his words “since the kids in this age group have little monetary value, the traffickers prefer to sell their internal body parts for hefty sums.” Thus it could be seen that India is emerging as a poisonous hub of trafficking in many fields.

TRAFFICKING FOR BEGGING

Hundreds of children are forced in India to beg by Mafia gangs, who get these children transferred from their native places. Children who are trapped in the net of traffickers are mostly dalits and tribal children who pay a heavy price of their poverty. It was very well portrayed in the Oscar winning movie Slumdog millionaire, which depicted the true picture of society where these trafficked children are maimed, and their body parts are mutilated and then they are forced to beg in order to get sympathy from the people, children are tormented and tortured and often kidnapped by these people in gangs.

Domestic servitude is also a part of Child trafficking, according to the estimates around 3/4th of domestic workers in India are believed to be between the ages of 12 and 16, and 90% constituted of girls.

PREVENTIVE MEASURES TAKEN TILL DATE

Various actions have been taken against this rampantly growing evil Human Trafficking involving Child Trafficking, by the various bodies of society and also their loopholes have been discussed in this section of

paper too which would help us to understand the problem better and we would be acknowledged that why in spite of lot of measures taking place, trafficking is still flourishing in India.

- Role of Government in eradicating problems related to trafficking.
- Role of Judiciary
- Role of Non-Governmental Organizations.

1. Role of Government

The very first step taken by Indian Legislature was to pass the Immoral Traffic Prevention Act, 1956. The Immoral Traffic (Prevention) Act, 1956 (ITPA), initially enacted as the 'Suppression of Immoral Traffic in Women and Girls Act, 1956, is the main legislative tool for preventing and combating trafficking in human beings in India.

The other relevant Acts which address the issue of trafficking in India are the Karnataka Devadasi (Prohibition of Dedication) Act, 1982; Child Labour (Prohibition and Regulation) Act, 1986; Andhra Pradesh Devdasi (Prohibiting Dedication) Act, 1989; Information Technology Act, 2000; the Goa Children's Act, 2003; and the Juvenile Justice (Care and Protection of Children) Amendment Act, 2006 and the Transplantation of Human Organs Act, 1994.²²² The Goa Children's Act (2003) is considered a model because for the first time in the legal history of the country, the offense of trafficking is defined.

Constitutional provisions

Under Article 23, all forms of trafficking is prohibited, "traffic in human beings and beggar and other similar forms of forced labour".

IPC Provisions

Punishment is given to any person who is engaged in buying or disposing of any person as a slave, who is habitually dealing in slave, who is selling minor for prostitution, a person engaged in buying a minor for prostitution.

2. Role of Judiciary

The judiciary too has played an active role in preventing and combating trafficking by pronouncing some landmark judgments. Outstanding judgments among them are the 1990 case of Vishal Jeet v. Union of India and the 1997 case of Gaurav Jain v. Union of India. In the former case, as per the directions given by the Supreme Court, the then Government constituted a Central Advisory Committee dealing with Child Prostitution in 1994.

3. Role of NGO's

NGOs provide protection to victims and try to prevent the crimes against them, SANLAAP is an Ngo which facilitates children especially women in brothels in Kolkata, it provide counseling to victims, and help the children who are at risk. JABALA is one more NGO in Kolkata which helps in rehabilitation of victims of trafficking. PRERANA is an Ngo which helps the victims of trafficking and prostitution in Mumbai. ARZ is an Ngo in Goa which better utilizes its community people in identifying the trafficked children, contact them and also helps in identification of traffickers. PRAJWALA in Andhra Pradesh provides second-generation prevention services for children of trafficked victims, participates in rescue operations, and facilitates social reintegration of victims of trafficking.

LOOPHOLES

The loopholes through which I have been encountered seem not to be very grave but they are the very root cause of the problem of trafficking. When talking about Government official they sometimes themselves are engaged in the trafficking rather arresting the traffickers they help them, take bribes from them and get their work done at the cost of the lives of thousands innocent children. Stringent laws do not exist, according to one article which the researcher has gone through discussed about an Ngo itself involved in the trafficking rather, the community people of Ngo take the child in adoption from the orphanage and sell them to traffickers, thus if such things exist them how can be the problem of trafficking get solved? Lack of training on the part of police officers along with the ignorance of provisions of the law lead to inadequate acknowledgment of victims and futile prosecution of traffickers.

CONCLUSION AND SUGGESTION

By this study on Child Trafficking many things have been brought into focus, many hidden issues and causes for trafficking have been noticeably emerged, and the problem which was the sole motive for research was distinct in the whole of the study, and the end result of it or the rationale on which that problem is based is the loopholes existing, the crisis caused due to trafficking is increasing rampantly without any split, because of existing corruption in the present bodies of society itself who boast themselves as protector of citizens of society, who claim to eradicate the problem of trafficking. Also poverty is seen as the major cause of the trafficking too. Thus researcher would like to suggest that the Immoral Trafficking Bill which still has not been passed should be passed by the government, more strict laws should be made, judiciary and Ngo should be more active and corruption free. Measures should be taken by government to provide employment so that the poorer section of society do not get diverted and get into the trap of “Trafficking”.

“Children are the gift of creator; they should never be put to sale”.

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