

HUMAN TRAFFICKING IN INDIA WITH SPECIAL REFERENCE TO GIRL CHILD: HUMAN RIGHTS AT STAKE

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ABSTRACT

A trade in human flesh i.e. the disposal of woman and children for immoral purposes is a new form of slavery which has replaced the purchasing human beings for life- long servitude which is the original form of slavery. In India, the worst form of trafficking in human beings takes place in the form of disposal of girl child for the purpose of prostitution or like immoral purposes.

Section 2 (d) of the Protection of Human Rights Act, 1993, defines "Human Rights" which means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by Courts in India. Trafficking in human beings is prohibited by Constitution. Article 23 embodies fundamental right to protection against exploitation. It prohibits trafficking in human beings which may take place in any form. The Indian Parliament has enacted, in 1956, the Suppression of Immoral Traffic in Women and Girl Act, 1956 in order to suppress this form of violation of the dignity and human rights of women, including girl child. Recently the Protection of Children from Sexual Offences Act, 2012 was also enacted for this purpose. At the same time, there are penal provisions in the Indian Penal Code also to put a check on this inhuman practice. India has been a signatory to many important International conventions like Convention on the Rights of Child (1989) and many more.

However, as per the Report by the Ministry of Woman and Child Development, there are 3 million sex workers in India out of which 40% are minors and 75% of these minors have come in through trafficking. The present paper endeavors to explore the Constitutional safeguards, efficacy of present laws, Apex Court Judgments and to suggest the possible means to strengthen the concept of human rights in India with reference to human trafficking involving girl-child.

Keywords: Human trafficking, Constitutional safeguards, International Conventions, Efficacy of existing laws, the role of Civil Society.

INTRODUCTION

While the original form of slavery, that is, purchasing human beings for life-long servitude for labour, has practically disappeared in modern times, it is surprising that it has been replaced by a new form of slavery which is no less injurious for human civilization, viz., the disposal of women for immoral purposes, i.e., a trade in human flesh.¹ It is an international menace which functions through markets set up in various countries spread out in all the nooks and corners of this Globe. Women and girls are sold to be prostitutes, menials and even so-called brides. These markets are run by uncanny operators with the help of modern devices and the transportation of such hapless victims takes place from one country to another with impunity. Certainly, India is not an island in this regard. In India, the worst form of trafficking takes place in the form of disposal of females, children or adults for the purpose of prostitution or like immoral purposes.² According to a report by the Ministry of Women and Child Development, there are 3 million sex workers in India and out of them 40 per cent are minor. Notably 75 per cent of these have entered the profession through trafficking.³ Majority of such trafficked minor girls are brought from the poorer and backwards states of India and the North-eastern part of the country, in particular. Undoubtedly, the poverty and other socio-economic factors contribute largely to this menacing problem, but the role of law-enforcing machinery seems to be pathetic. Role of NGOs and Civil Society are heartening but a lot more is required.

Trafficking in human beings is prohibited by the Constitution of India. Constitution provides citizens a right guaranteed as fundamental to protection against exploitation. Our Constitutional Courts have also clarified the Constitutional mandate in this regard and directed the State to take necessary steps as counter-measures to check this menace. In *Shama bai Vs. State of U.P.*⁴, the Supreme Court has held that a mere perusal of some of its provisions in *Suppression of*

¹ Durga Das Basu, *Commentary on the Constitution of India*, 9th Edition, Vol. 5, Lexis Nexis, Gurgaon, Haryana, 2016, p. 5196-5197

² *Ibid.*

³ India Today, "Sex Slaves / Cover story", November 13, 2017

⁴ AIR 1959 All 57, cited in Durga Das Basu, *Commentary on the Constitution of India*, 9th Edition, Vol. 5, Lexis Nexis, Gurgaon, Haryana, p. 5197.

Immoral Traffic Act shows that acts made punishable were acts which resulted in traffic in human beings. In Vishal Jeet Vs. Union of India, the Apex Court has directed the State Governments to instruct their law enforcing authorities to take action under the law to eradicate child prostitution.⁵ Similarly, the Supreme Court in Gaurav Jain Vs. Union of India⁶ issued several directions relating to that rehabilitation of the children of the prostitutes, child prostitutes and establishment of juvenile homes for them.

One more prominent angle of this scourge is related to human rights. Every human being should have freedom to live life according to his or her own liking in this world. He is entitled to enjoy certain basic rights to be termed as human rights which can make his life worth living. To force an innocent minor into sex slavery is undoubtedly against any human right and is certainly a blot on humanity. There are many International Conventions and Treaties on Human Rights of which India is also a signatory. It would be worthwhile to study them in order to fully understand the human rights angle of human trafficking.

INTERNATIONAL CHARTERS

a. Universal Declaration of Human Rights, 1948:

Article 4 of the UDHR says that no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms. Article 4 of the UDHR and Declaration of the Rights of the Child of 1959 are not treaties and did not have legal force. The General Assembly continued its efforts to give legal force to these declarations. It was with that end in view that the International Covenant on Civil and Political Rights, 1966 and International Covenant on Economic, Social and Cultural Rights entered into force on January 3, 1976. India became a party to the Covenant as well as Protocol to it. The two Covenants therefore have legal force as treaties imposing legal obligations on the parties including India.⁷

Article 8 (1) & (2) of the International Covenant on Civil and Political Rights also seeks prohibition of slavery and the slave trade in all its forms.

⁵ AIR 1990 SC 1412, M.P. Jain, Indian Constitutional Law, 7th Edition, Lexis Nexis, Gurgaon Haryana, 2015, p. 1241.

⁶ AIR 1997 SC 3021, Ibid

⁷ Durga Das Basu, Commentary On the Constitution of India, 9th Edition, Vol. 5, Lexis Nexis, Gurgaon, Haryana, 2015, p. 5194.

Article 10 (3) of the Covenant on Economic, Social and Cultural Rights, 1966 provide that Children and young persons should be protected from economic and social exploitation.

b. International Convention for the Suppression of Traffic in Persons and the Exploitation of the Prostitution of others (1949)⁸ :

It was adopted on 2nd December, 1949 and entered into force on 25th July, 1951. More than 80 countries have become parties to this Convention.

c. Convention on the Rights of the Child (1989)⁹:

Under this Convention, every person below the age of 18 years is regarded as child. So far 194 countries have become parties to this Convention.

d. World Conference on Human Rights, Vienna, (1993)¹⁰:

The Conference ended with the Vienna Declaration. One of the main points of this Declaration says that gender based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking were incompatible with the dignity and worth of human person and must be eliminated. That could be achieved by legal measures and through national action and international co-operation.

e. Fourth World Conference on Women, Beijing (China)¹¹:

It formulated some forward looking strategies which provided a framework for action at all levels to promote empowerment of women and their enjoyment of human rights. The goals of the strategies also included the abolition of slavery and prostitution, intended to be implemented by the year 2000.

f. Protocol to Prevent, Suppress and Punish Trafficking of Persons Especially Women and Children¹²:

It was adopted by the United Nations in 2000 and came into force on 25 December, 2003. Till now more than 150 countries have become parties etc.

g. 11 Optional Protocol to the Convention on the Rights of the Children (2002):

⁸ Dr. S.K. Kapoor, International Law & Human Rights, Twentieth Edition, Central Law Agency, Allahabad, 2016, p 870

⁹ Dr. S.K. Kapoor, International Law & Human Rights, Twentieth Edition, Central Law Agency, Allahabad, 2016, p. 871.

¹⁰ Ibid, p. 864

¹¹ Dr. S.K. Kapoor, International Law & Human Rights, twentieth Edition, central Law agency, 2016, p.866.

¹² Ibid, p. 870

This Convention on the sale of children, child prostitution and pornography is ratified by about 170 countries.

h. European Commission on Human Rights (1950)¹³:

Section 1(3) of it enlists and defines freedom from slavery and servitude (Article 4, para 1).

i. American Convention on Human Rights, 1969¹⁴:

It also guarantees freedom from slavery and involuntary servitude (Article 6).

j. Protection of Human Rights Act:

In India, it was passed in the year 1993, but the definition of 'human rights' given in Section 2 (d) is very narrow. It is not proper to limit the human rights only to the rights relating to life, liberty, equality and dignity of the individual even though they seem to be the most significant basic human rights. There is no mention of slavery, slave-trade, human trafficking, and child prostitution etc. within the ambit of this definition. Obviously, there is an urgent need to widen the definition of human rights so as to include other such basic human rights like slavery, human trafficking etc. The National Human Rights Commission and the State Human Rights Commissions are largely seized of the matters of custodial deaths and rapes, atrocities against SC/STs and minorities, to name a few. Although the NHRC has worked for awakening of human rights among people in different fields which also includes trafficking of women and children, yet any solid contribution in this regard is clearly lacking on the part of NHRC and SHRCs

HUMAN TRAFFICKING AND THE LAW: INDIAN SCENARIO

a. Constitution of India:

The right against exploitation of all citizens and non-citizens is provided under Article 23 and 24 of Indian Constitution. Exploitation takes place when a woman or child¹⁵ is

¹³ Dr. S.K. Kapoor, *International Law Human Rights*, Twentieth Edition, Central Law Agency, Allahabad, 2016, p. 874.

¹⁴ *Ibid*, p. 894

¹⁵ cf. Art. 39 (f) of the Constitution of India; *Bandhua Vs. Union of India*, AIR 1984 SC 802, cited in Durga Das Basu *Commentary on the Constitution of India*, 9th Edition, Vol. 5, Lexis Nexis, Gurgaon, Haryana, 2015, p. 5193.

subjected to the Commercial¹⁶ or immoral¹⁷ purposes of some powerful man or group.¹⁸ Taking advantage¹⁹ of the natural disability or helplessness of the victim.²⁰ It means the utilisation of persons for one's own end is opposed to the dignity of the individual which the preamble to our Constitution refers. It is opposed to the Directive Principles of State Policy; Art 39 (e) and (f).²¹

The expression "traffic in human beings" used in Art. 23 (1), commonly known as slavery, means to deal in men and women like goods, such as to sell or otherwise dispose them. It would include traffic in women and children for immoral or other purposes.²² Article 23 embodies two declaration- (1) That traffic in human beings is prohibited and (2) Any contravention of the prohibition shall be an offence punishable in accordance with law. According to Article 35 of the Constitution, laws which punish acts prohibited by this Article shall be made only by Parliament. The required law for this purpose is The Immoral Traffic (Prevention) Act, 1956 made by Parliament under Article 35 of the Constitution. This Act was previously known as "Suppression of Immoral Traffic in Women & Girls Act, 1956.

Article 39 (f) of the Directive Principles of State Policy stipulates that the State shall, in particular, direct its policy towards securing that childhood and youth are protected against exploitation and against moral and material abandonment.

b. The Immoral Traffic (Prevention) Act, 1956:

Section 5 of this Act prescribes punishment for inducing or taking a woman or girl for the purpose of prostitution. Section 6 punishes a person who detains a woman or girl in any premises where prostitution is carried on section 9 again, punishes the act of seduction of a woman or girl in custody for the purpose of prostitution. This Act broadly aims at suppressing the evils of prostitution in women and girls and achieving a public purpose, viz, to rescue the fallen women and girls to stamp out the evils of prostitution

¹⁶ cf. Peoples' Union Vs. Union of India, AIR 1982 SC 1473, Ibid.

¹⁷ Chitan J. Vaswani Vs. State of W.B., AIR 1975 SC 2473, Ibid.

¹⁸ cf. Art. 39 (f) of the Constitution of India, Bandhua Vs. Union of India, AIR 1984 SC 802, Ibid.

¹⁹ cf. Black's Law Dictionary, Ibid.

²⁰ cf. Art. 39 (f) of the Constitution of India; Bandhua Vs. Union of India, AIR 1984 SC 802, Ibid.

²¹ H.M. Seervai, Constitutional Law of India, Universal Law Publishers, 4th Edition, Vol. II, p. 1234

²² Raj Bahadur Vs. Legal Remembrancer, AIR 1953 Cal 522, cited in Durga Das Basu, Commentary on the Constitution of India, 9th edition, Vol.-5, 2015, p. 5195.

and also to provide an opportunity to these fallen victims so that they could become decent members of the society.²³

c. Indian Penal code (IPC) :

Section 370 to 373 of the Indian Penal Code deals with trafficking of persons and the punishments for such offences. Sub-section 4 of section 370 deals with the offences involving the trafficking of a minor which shall be punishable with rigorous imprisonment for a term of not less than ten years. Sub-section (5) of section 370 deals with trafficking of more than one minor for which punishment shall not be less than fourteen years, but which may extend to life imprisonment, and shall also be liable to fine. Similarly, Subsection (6) deals with the repeated offence of trafficking and sub-section (7) is concerned with the offence by public servant or police officer for which imprisonment for life has been stipulated.

Section 370-A deals with the sexual exploitation of the trafficked minors for which rigorous imprisonment ranging between five to seven years has been stipulated along with fine.

Section 371 deals with habitual offenders and Section 372 and 372 are related to selling and buying of minors for purposes of prostitution, etc. In all such cases, rigorous and heavy punishments have been stipulated.

d. The Protection of Children from Sexual Offences Act, 2012 (POCSO Act):

This Act primarily deals with sexual offences against children. It also deals with the offences of using child for pornographic purposes and provides punishments for such offences.

Here it would be relevant to quote what Pandian,J. has stated in Vishal Jeet Vs Union of India²⁴:

“11A. In spite of the above stringent and rehabilitative provisions of Law under various Acts, it cannot be said that the desired result has been achieved. It cannot be gainsaid that a remarkable degree of ignorance or callousness or culpable indifference is manifested in uprooting this cancerous growth despite the fact that the day has arrived imperiously demanding an objective multidimensional study and a searching

²³ M.P. Jain, Indian Constitutional Law, 7th Edition, Lexis Nexis, Gurgaon, Haryana, 2015, p. 1241.

²⁴ AIR 1990 SC 1412.

investigation into the matter relating to the causes and effects of this evil and requiring most rational measures to weed out the vices of illicit trafficking. This malady is not only a social but also a socio-economic problem and, therefore, the measures to be taken in that regard should be more preventive rather than punitive.”

HUMAN TRAFFICKING: INTERNATIONAL DIMENSION

Human trafficking, especially for prostitution purposes, is a global phenomenon. India is a supplier, transit point and destination for victims of sex trafficking, meaning girls are both trafficked from and to India and that traffickers hold girls in the country before sending them to other parts of the world. Over 90 per cent of those trafficked for sex are females, according to Global March against Child Labour.²⁵ The girls do not have any idea that they would become a victim of an international trafficking racket.²⁶ International Conflicts in Syria and Iraq have produced a tide of desperate humanity sweeping through West Asia, North Africa and across the lethal Mediterranean. These individuals are falling in and out of the hands of traffickers and smugglers as they seek sanctuary. Last year, the New York Declaration delivered a compelling statement from the United Nations that refugees and migrants need protection and assistance. Nations agreed to return to New York in 2018 to adopt a Global Compact on migration. The compact will be the first negotiated agreement by Governments to cover every aspect of international migration.²⁷

United Nations Trafficking in Persons Protocol contains the definition of trafficking, The Protocol is intended to prevent, suppress and punish trafficking especially women and children supplementing the United Nations Convention against Transnational Organised Crime. According to definition which has been adopted by the 160 UN Member States that have ratified the protocol, there are three distinct constituent elements of trafficking in persons; the act, the means and purpose. All three elements must be present in order for a case to be defined as a trafficking in person's offence. Each element has a range of manifestation. The Trafficking in Persons Protocol specifies "the act" means the recruitment, transfer, harbouring or receipt of persons. The "means" refers to the method used to lure the victim. Possible means are the threat or use of force, deception, coercion, abduction, fraud, abuse of power or a position of

²⁵ India Today, Sex Slaves/Cover Story, November 13, 2017.

²⁶ Editorial, Hindustan Times, 9.10..2017.

²⁷ Yury Fedotov, " Insecurity From Migration Can Fuel Trafficking, Hindustan Times, 25.9.2017.

vulnerability or giving payment or benefits. These terms are not necessarily precise from the legal point of view and may be defined differently by different jurisdiction. The 'Purpose' is always exploitation of victim, though this can take on different forms including sexual exploitation, forced labour, removal of organs or a range of other forms.²⁸

NATIONAL PERSPECTIVE

In India, the status report of human trafficking is quite frightening. According to National Crime Records Bureau Report, the total number of human trafficking victims has gone to 15,379 in comparison to 12,703 in 2015 and 9,540 in 2014. Out of 15,379 victims in 2016, 9,034 are below 18 years of age. Moreover, despite admitting to the lack of credible data, the Union Ministry for Women and Child Development told Parliament in March that nearly 20,000 women and children were trafficked in 2016, a rise of 25 per cent over the previous year.²⁹

There is no denying the fact that these hapless victims of human trafficking, the women and the girls, are ruthlessly pushed into sex-trade. Global March against Child Labour, an N.G.O. run by the Nobel-laureate Kailash Satyarthi, reports that 70 per cent of Indian girls sold into the sex trade are between 16 and 18 years old and kept in captivity for between 12 and 18 months on average, complicating the process of rehabilitation.³⁰ The commerce of Sex Trafficking in India is over 2 lakh crore in illegal money.³¹

In 2003, a study by the National Human Rights Commission, the United Nations Development Fund for Women and the Institute for Social Sciences estimated that 20 per cent of the brothel population is minors.³²

Most victims are from India's most impoverished States, including Assam, Bengal, Andhra Pradesh, Bihar and Uttar Pradesh. Human trafficking is a huge problem in the Northeast. However, when it comes to human trafficking, West Bengal is not only the highest contributor

²⁸ Global Report on Trafficking in Persons, 2014, cited in Durga Das Basu, Commentary on the Constitution of India, 9th Durga Das Basu, Commentary on the Constitution of India, 9th Edition, Vol. 5, Lexis Nexis, Gurgaon, Haryana, 2015, p. 5198.

²⁹ India Today, November 13, 2017, "Sex Slaves"/ Cover Story.

³⁰ "Sex Slaves" / Cover Story, India Today, November 13, 2017.

³¹ *Ibid*

³² *Ibid*

to the crime but it alone accounts for 44% of all cases nationally. As the State shares a border with Bangladesh, Nepal and Bhutan, it has become a transit route in human trafficking. The distress-ridden tea gardens of north Bengal, the remote islands of Sunderbans and the districts of Malda and Murshidabad with poor human development indicators and high density of population serve as ideal source point for traffickers luring young girls on the pretext of jobs or marriage to other states.³³

Here, it can easily be surmised that both the allurements of providing jobs and marriages are fake ones. As far as marriages are concerned, these are not only fake but forced one. The intermediaries, or pimps put pressure on the parents of the minor girls to marry off their daughters with the allurements of money and sometimes by intimidating them with fearsome consequences. A few weeks ago, the International Labour Organisation (ILO) and the Walk Free Foundation has published a report titled "Global Estimates of modern Slavery, Forced Labour and Forced Marriage." According to this report globally, 40 million suffer from "modern slavery". Of them 25 million suffer "forced labour" and 15 million "forced marriage".³⁴ There is a 1962 UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, emphasizing consent, minimum age and registration, of which India is not a signatory.³⁵ The Report further says that an estimated 37 per cent of victims living in forced marriage were children at the time marriage took place.....That is, forced marriage in these estimates includes all marriages of both adults and children that were reported by the survey respondent to have been forced and without consent, regardless of the age of the respondent.³⁶

USE OF SOCIAL MEDIA

For traffickers use of social media is proving to be a boon. As Internet access becomes widespread, traffickers are even making use of social media sites like Facebook as recruiting tools. Shakti Vahini's Kant says he recently rescued a girl from Nagaland after she had already boarded a plane, headed towards a trafficker who has created a fake Facebook profile and made

³³ The Hindu, 10.12.2017.

³⁴ Bibek Debvoy, "ILO's Omissions", The Indian Express, 30.11.2017.

³⁵ India Today, "Sex Slaves/ Cover Story", November 13, 2017.

³⁶ India Today, "Sex Slaves/ Cover Story", November 13, 2017.

a series of false promises to her. Kant adds that in Jharkhand alone, he knows of 300 Whatsapp groups dedicated to sex slavery.³⁷

LAW ENFORCEMENT AND ROLE OF CIVIL SOCIETY

Currently, there is an Immoral Trafficking Prevention Act, 1956, a Protection of Children against Sexual Offences Act (POCSO), 2012, a Juvenile Justice Act, 2015, and various sections of the Indian Penal Code that deal with organised crime. Despite the multiplicity of laws, the conviction rate for traffickers, at 2 to 5 percent, is unquestionably appalling.³⁸ Moreover, without a coherent, unified strategy to combat human trafficking and a clear demarcation of roles and responsibilities, there is bound to be uncertainty. Due to paucity of data the police ends up conducting generic raids because they do not have necessary intelligence.³⁹ Because of police shortcomings, minor sometimes spend as many as three to five years, according to some estimates, in captivity.⁴⁰

Rehabilitation is another challenge. A return to normal life and society is so difficult after such a long spell in sex work that many older girls go back to prostitution even after they are rescued. They lack emotional or infrastructural support and their time as sex slaves is often compounded by substance abuse issues.⁴¹

Coherent anti-trafficking legislation would be a start. Nobel laureate, Kailash Satyarthi described implementation of POCSO as "pathetic", criticizing particularly the "Slow pace of enforcement".⁴² To address the situation, India needs a strong anti-trafficking law. The draft Trafficking of Persons (prevention, Protection and Rehabilitation) Bill, 2016, has been criticised as it is "inadequate" and because it does little to alleviate "modern slavery". "The bill in its current form will not achieve its objectives of preventing trafficking and providing protection and rehabilitation to trafficked victims," wrote academic Prabha Kotiswaran

³⁷ India Today, " Sex Slaves/ Cover Story" , November 13, 2017.

³⁸ *Ibid.*

³⁹ *Ibid*

⁴⁰ *Ibid*

⁴¹ *Ibid.*

⁴² *Ibid.*

recently. The sooner the centre comes out with a well thought law, the easier it will be for enforcement agencies to tackle the menace better.⁴³

Here, it is pertinent to note some significant initiatives taken by the NGOs and civil society in order to combat the menace of human trafficking. First of all, mention may be made of Swayangsidha groups of Bengal which according to Delhi- based NGO Shakti Vahini, as a large-scale community policing initiative and the first of its kind in India, where the police sought direct involvement of students. The organisation played a vital role in the rescue of several women trafficked from Bengal. These groups comprise 11-12 students from both genders which is guided by a teacher and co-ordinates with NGOs, police and block-level officers. Members gather information about planned child marriages and teenagers who remain unseen for a few days. Ajeet Singh of Varanasi- based NGO Guria has helped rescue and rehabilitate trafficked children for nearly three decades. There are such other examples also where NGOs and Civil Society are doing exemplary work. Due to their efforts, people are talking about it, where earlier there was no concept of trafficking.

CONCLUSION

Human trafficking is a world-wide phenomenon. United Nations and the civilized world is continuously grappling with this menace. In India too, the scourge has spread its tentacles in dangerous proportions each year the number in increasing of the victims of human trafficking. The worst victims are the minor girls, especially from the poor impoverished States. Although there are plethora of laws in existence at present, yet the tardy implementation makes them almost ineffective. The NGOs and the civil society is playing its role to some extent, but there is lot more to be done. The need of the hour is a strong, effective and comprehensive human trafficking law as soon as possible. However let us not forget that this menace of human trafficking is basically human rights issue. As discussed earlier, our human rights law, Protection of Human Rights Act, 1993 is poorly inadequate to deal with the human trafficking issue. In fact, by not dealing this menace properly, our commitment to human rights is at stakes. At this juncture, we should always keep in mind the enlightening words contained in the Preamble of the U.N. Declaration of Human Rights, 1948 which assures that the people of the

⁴³ Hindustan Times, Editoriall, 9.10.2017.

United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women. All our endeavours should be directed towards strengthening this dignity and worth of human person. In the case of *Gaurav Jain Vs Union of India and others*⁴⁴, the Division Bench of the Supreme Court, K. Ramaswamy and D.P. Wadhwa, JJ. Have opined as such:

“15. Human Rights are derived from the dignity and worth inherent in the human person. Human rights and fundamental freedom have been reiterated by the Universal Declaration of Human Rights. Democracy, development and respect for Human rights and fundamental freedoms are interdependent and have mutual reinforcement. The human rights for women, including girl child are, therefore inalienable, integral and indivisible part of universal human rights. The full development of personality and fundamental freedoms and equal participation by women in political, social, economic and cultural are concomitants for national development, social and family stability and growth-cultural, social and economic. All forms of discrimination on ground of gender is violative of fundamental freedoms and human rights. It would, therefore, be imperative to take all steps to prohibit prosecution. Eradication of prostitution in any form is integral to social weal and glory of womanhood. Right of the child to development hinged upon elimination of prostitution. Success lies upon effective measures to eradicate root and branch of prostitution. ”

⁴⁴ AIR 1997 SC 3021.

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