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# Child Prostitution- A Critical Social Issue

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## ABSTRACT

*It is assessed that there are in excess of 3,000,000 minors who feed prostitution systems. This inexorably rewarding wonder is getting always across the board. So basically Prostitution is the practice of engaging in indiscriminate sexual activity generally with a person who is not a spouse or a friend, technically in exchange of immediate payment or any other valuables. The nature is not dependent on any gender, it could be Male, Female or a Transgender. But historically it has been noticed that many prostitutes have been women and most client men.*

*Not only adults but due to lack of sensitivity and not being given adequate attention, Child Prostitution has become one of the significant global issue It is an old wonder, which denies offspring of their adolescence, human rights and poise Child Trafficking is one of the common types of Child Prostitution. A proper law should be framed for Child abuse and Child Prostitution and also for similar issues like Child trafficking and Child Pornography. Such law should focus on punishing the culprit instead of harassing the victim. My article mainly focuses on the magnitude of Child Prostitution and to identify the causes and outcome danger faced by the Child at such a tender age. Strategies needs to be developed to rescue child prostitutes from on job-violence and to conduct a rehab program for those interested to abort prostitution along with strong efforts to curtail into prostitution. Although several measures and acts have been passed by the legislators to eradicate child abuse. But still it has been emerging as a global issue in our country even though there are many steps taken by the appropriate government to end Child Prostitution.*

## I. INTRODUCTION

Child Prostitutes assigns the utilization of kids explicitly in return for compensation or another type of requital (endowments, food, garments, and so forth). This activity is included under the term of Sexual Exploitation. The targeted children work on the streets or in established such as brothels, clubs, massage parlors, bars, hotels, or restaurants. There's no specific gender criteria that are driven to Prostitution. For instance, In Pakistan, over 95% of truckers take part in sexual exercises with little youngsters. Sexual Exploitation and dealing of youngsters is considered

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by ILO as one of the most exceedingly terrible types of Child Labor requires prompt and authoritative activities from government. Human dealing, regardless of whether of kids or of grown-ups, is a gross infringement of human rights. On account of individuals who have not yet achieved the time of dominant part, it furthermore disregards their privileges as kids, specifically their entitlement to be shielded from misuse. On these focuses, there is widespread understanding. As we investigate the detail of Child dealing, anyway it turns out to be evident that there is some variety in the manner normal ideas are deciphered or comprehended and that there It is a violation of the fundamental human rights of the most vulnerable in our society, our children, and an outrage that must be condemned in the strongest manner, it must also galvanize us into action.

Child trafficking in Children has been a top problem for international communities for decades. This crime is a clear example of Human Right Violation. In the modern global era many people are aware that Children and Women are trafficked into world's commercial sex trade, Children's Basic Fundamental Rights are being violated in other several ways.

Numerous Legislators have enacted laws based on the UN Trafficking Protocol. Ever since its adoption in 2000 large amounts have been received to support the anti-trafficking programmes. Many stats shows that how many cases of trafficking have been recorded and, how many prosecutions have been started and how many people have been convicted for this crime.<sup>3</sup>

After the new adoption of international instrument in 2000, the focus of most anti-trafficking initiatives was on Human Trafficking i.e. focusing on the cases in which a child was being trafficked from one country to another

## **II. WHY CHOOSE CHILDREN INSTEAD OF ADULTS?**

It is very easy to exploit children than an adult. Sexual exploiters utilize the docility of children because they are too weak to defend themselves. This freak disposition is frequently brought about by the sentiment of sexual and financial force, by the craving for new encounters or by the believing the exemption of identified with obscurity.

Moreover, in many cultures, myths and prejudices often justify the search for sexual relations with children. In Asia for example, some men are persuaded that the fact of having sexual relations with very young virgin girls prevents them from contacting HIV/AIDS.

### **CAUSES OF CHILD PROSTITUTION**

- Poverty

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<sup>3</sup> UNODC. Trafficking in persons. Global Patterns. Vienna. 2006

The main reason for prostitution is destitution. Guardians frequently feel committed to offer their youngsters to pimps in light of the fact that their low compensation doesn't permit them to meet the closures of their family. Neediness likewise turns into a reason for deserting. This dismissal drives youngsters away from their family condition to become road kids. Defenseless and needing cash, they are the primary focuses of administrators who guarantee them work and compensation.

- **Money**

Prostitution is a rewarding movement contrasted with neighborhood pay rates. In Kenya, for instance a sexual experience with a little youngster younger than 16 can cost around 20 Euros. However, the cost can arrive at 60 euros relying upon the circumstance. While a normal Kenyan procures just 4 Euros every day.

#### **SOME OTHER CAUSES OF CHILD PROSTITUTION**

- Ill Treatment.
- Bad Company.
- Social Custom
- Family Prostitutes.
- Lack of Sex education, Media
- Prior incest and rape
- Poverty and economic distress
- Early marriage and desertion
- Lack of recreational facilities and ignorance.

#### **DANGERS SOME OTHER CAUSES OF CHILD PROSTITUTION**

- Sexual Abuse
- Physical Abuse that may result in serious injury or even death
- Sexually Transmitted Disease as serious as HIV/AIDS.
- Pregnancy.
- Drug Addiction

### **III. LAW ENFORCEMENT**

New laws have been adopted since 2001 in the issue of Human Trafficking. The offence

includes trafficking in persons or more specific offences, such as Child Trafficking or recurring a child into prostitution. There have been efforts at different regional and international levels to establish minimum standards concerning the way criminal justice systems respond to human trafficking cases, although not yet with a specific focus on children.<sup>4</sup>

The past few years various training programs have been set up for law enforcement officials on everything from techniques for gathering evidence (of crimes involving the sexual abuse of children or human trafficking) to measures to make legal proceedings more child-friendly.

#### **EFFORTS TO MAKE THE CRIMINAL JUSTICE SYSTEM MORE CHILD-FRIENDLY**

In principle, it is clear what should be done to improve the viability of criminal equity frameworks and secure kid survivors of dealing simultaneously. The UN Guidelines on Justice in Matters including Child Victims and Witnesses of Crime(2005) set out "great practice dependent on the accord of contemporary information and pertinent universal and territorial standards, norms and standards." Experts met at the UNICEF Innocent Center in April 2008 summed up the means to be taken by saying that, "...child-accommodating legal procedures ought to be built up to stay away from the twofold exploitation of youngsters during the legal procedure –, for example, evading all pointless contact with the culprits, guaranteeing security and

"...child-friendly judicial processes should be established to avoid the double victimization of children during the judicial process – such as avoiding all unnecessary contact with the perpetrators, ensuring privacy and support to the child's psychological well-being through in camera proceedings, providing adequate protection and compensation to victims, and expediting prolonged legal processes through fast-track child-friendly courts and the use of recorded video testimony".

This is easier said than done. Efforts to prosecute traffickers (of children and adults) have been hampered in many countries by the unwillingness of victims and witnesses to testify. This is sometimes due to a fear of reprisals against themselves or their loved ones. However, it sometimes appears to have as much to do with criminal justice procedures as it does with threats of violence from traffickers. Making criminal procedure more child-friendly is widely believed to facilitate the work of law enforcement officials and to secure more convictions of child traffickers. From a different point of view, if criminal procedure is not child-friendly, counsel or advocates supporting a child who has been trafficked may reasonably conclude that it is not in the child's best interests to provide evidence and participate in the prosecution of the child's

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<sup>4</sup> ASEAN Responses to Trafficking. Ending Impunity for Traffickers and Securing Justice for victims.

suspected trafficker

#### **COMPENSATION OR DAMAGES FOR CHILDREN TRAFFICKED FOR SEXUAL PURPOSE**

While there has been progress in developing techniques to protect children during the criminal justice process, rather less is apparent when it comes to actually delivering justice for trafficked children. This means punishing those responsible for abusing a child as well as providing an appropriate remedy for the child who has been a victim of crime. Remedies include payments for damages or compensation, few of which are reported to have been made to children trafficked for sexual purposes. Certain countries have taken steps to improve compensation payments. In the Philippines, for example, fines collected under the anti-trafficking law are reported to go into a fund to pay for services to children and adults who have been trafficked.

Are there reasons why there has been little progress in awarding compensation or damages to trafficked children? Is it because courts feel it is unnecessary or inappropriate to order compensation to children who have earned money for traffickers from commercial sex, even though they have, by definition, suffered as a result and should be entitled to moral or material damages? If so, they may need reminding that it is difficult for children to re-launch their lives in the absence of compensation.

### **IV. INDIAN LAWS RELATING TO CHILD PROSTITUTION**

#### **A. THE CONSTITUTION OF INDIA**

Under the constitution, Article 23 deals with denial of dealing with individuals, constrained work and all types of abuse. This was planned for stopping all types of dealing with the people including prostitution and beggary. The legal executive in *Raj Bahadur Vs Legal Remembrancer*,<sup>5</sup> the court held that the traffic in ladies for improper reasons for existing is denied under Article 23 The Directive Principles of State Policy fill in as the managing star for different social government assistance enactment went for ladies. Article 39(e) manages the wellbeing and quality of laborers, men, ladies and the youthful time of youngsters ought not be mishandled. Article 39(f) demands that youngsters be offered chances to create in a sound way with the goal that adolescence and youth are secured. Referring to Article 39 in *State of Rajasthan Vs Om Prakash*,<sup>6</sup> the Supreme Court said that the courts would have a delicate methodology when managing instances of youngster assault and it is the obligation of the court to give legitimate lawful insurance to these kids. Article 15(3) empowers the state to make

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<sup>5</sup> AIR 1953 Cal 522, (INDIA)

<sup>6</sup> Appeal (crl.) 722 of 2001, (INDIA)

extraordinary arrangements for lady and youngsters regardless of whether they are unfair.

### **B. THE INDIAN PENAL CODE**

The Indian Penal Code loans some assistance to the extraordinary laws established to check prostitution by assaulting the wellspring of this wickedness. Segment 366A makes multiplication of a minor young lady starting with one piece of spot then onto the next is culpable and area 366B, which makes importation of a young lady beneath the age of 21 years are culpable. These areas attempt to forestall prostitutions by exacting corrective activity. Segment 372 and 373 makes selling and purchasing of minor young ladies with the end goal of prostitution, a wrongdoing for which even 10 years of detainment and fine can be granted.

### **C. SELLING MINOR FOR PURPOSES OF PROSTITUTION (SEC. 372)**

Whoever offers, lets to enlist, or in any case discards any individual younger than 18 years with aim that such individual will, at any age be utilized or utilized with the end goal of prostitution or unlawful intercourse with any individual or for any legitimate and improper reason, or realizing that it will generally be likely that, such individual will, at any age, be utilized or utilized for any such purposes, will be rebuffed with detainment of either portrayal for a term which may reach out to 10 years, and will likewise be at risk to fine. At the point when a female younger than 18 years is sold, let for enlist or in any case discarded to a whore or to any individual who keeps or deals with a house of ill-repute the individual so discarding such female will, until the opposite is demonstrated, be attempted to have discarded her with the aim that she will be utilized with the end goal of prostitution. In this unique circumstance, illicit intercourse, implies sex between people not joined by marriage, or by any association of which, however not adding up to a marriage, is perceived by the individual law or custom of the network to which they have a place or, where they have a place with various networks, or both such networks as comprising between them a semi conjugal connection

### **D. BUYING MINOR FOR PURPOSES OF PROSTITUTION (SEC. 373)**

Whoever purchases, enlists or in any case gets ownership of any individual younger than 18 years with aim that such individual, will, at any age, be utilized or utilized with the end goal of prostitution or illegal intercourse with any individual or for any unlawful reason, or realizing that it generally will be likely that such individual will be rebuffed with detainment of either portrayal for a term which may stretch out to 10 years, and will likewise be at risk to fine. Any whore or any individual keeping or dealing with a house of ill-repute, who purchases, employs, or in any case gets ownership of a female younger than 18 years will, until opposite is

demonstrated, be attempted to have gotten ownership of such female with that goal that she will be utilized with the end goal of prostitution

#### **E. THE IMMORAL TRAFFIC PREVENTION ACT, 1956**

The Suppression of Immoral Traffic in Women and Girls Act, 1956 proved to be inadequate to combat the increasing commercialization of trafficking. Parliament amended the law in 1970 and later in 1986. As a result of substitution of the words Immoral Traffic Prevention Act for the words Suppression of Immoral Traffic in women and girls Act made by section 3 of the amending Act No 44 of 1986, the principal Act was short titled as the Immoral Traffic Prevention Act, (104 of 1956). This Act has introduced the concept of child victims as against minors and majors and imposes higher degree of criminality to sexual exploiters of children. Section 9 of this Act provides greater punishment to persons who cause, aid or abet the seduction of women and girls, over whom they have authority or who are in their care and custody for prostitution. This Act empowers the Central Government to appoint trafficking officers. These special police officers can search without warrant any premises where this offence is suspected of being committed, and they can rescue any person who is being forced into prostitution or is carrying on or is being made to carry on prostitution.

#### **F. THE CRIMINAL PROCEDURE CODE, 1973**

The Criminal Procedure Code of 1973, likewise shields young ladies from sexual abuse. It expresses that a directing Judge or District Magistrate may, upon grievance that a female youngster younger than 18 years is stole or unlawfully kept, request the quick rebuilding of the young lady to her freedom or to her parent, watchman or spouse. Segment 98 is expected to give quick help to a lady or young lady stole or confined for any legal reason. An activity under this area can't be taken aside from upon objection committed to on pledge.

#### **G. THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2000**

This Act has expand arrangements for the consideration, insurance, treatment, instruction, professional preparing, advancement and recovery of kids protected from those obtaining, initiating or taking individual for prostitution and keeping individual in premises where prostitution is continued. The definition explicitly incorporates the kid who is discovered helpless and is accordingly, prone to be incited into dealing. The difficult that was brought up for the situation of *Gaurav Jain Vs Union of India*,<sup>7</sup> appear to have been illuminated to a bigger degree. Clearly, with the setting up various establishments, for example, the Children home,

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<sup>7</sup> AIR 1997 SC 3021, (INDIA)

uncommon home and safe house home and support of the legislature and furthermore the non-government deliberate social assistance associations and recovery of adolescents and youngsters who need care and insurance, there is not really any avocation for independent lodging or school for the whole kids. Offspring of whores ought not be allowed to live in bothersome environmental factors of whores homes. The court decided for moving these youngsters to existing adolescent organizations. There was a certain supposition that these adolescent establishments would be better run and sorted out and help the recovery of these youngsters.

#### **H. INFORMATION TECHNOLOGY ACT, 2000**

Digital technology has also allowed child pornography to be produced without a child actually being present, introducing into the review of laws on child porn issues that are complex and that go beyond the argument that child pornography records a criminal act. Trafficking, Commercial Sexual Exploitation, Sex tourism and Pornography are all interrelated crimes. The Information Technology Act, 2000 extends throughout India and also has extra-territorial jurisdiction. Under section 67, publication and transmission of pornography is an offence.

#### **V. CONCLUSION & RECOMMENDATION**

This paper has raised many questions, starting with a basic one about the very meaning of the term ‘child trafficking’. It is important to note that the terms ‘trafficking’ and ‘trafficked child’ are used to mean different things by different people, so it is routinely necessary to check what meaning is intended. The paper has focused on issues in which States and others have choices over the strategies they pursue and the resources they choose to make available. It suggests that some should be reviewed and modified to bring about a child rights approach to cases of child trafficking. On a number of issues the paper suggests that more care is needed to ensure that national responses to child trafficking are based on the realities experienced by children in the country concerned, both in terms of the wording used in legislation and the measures taken to stop child trafficking. Following a period in which transnational trafficking has preoccupied States, it seems important to refocus attention on the places where exploitation occurs and on the patterns of recruitment of children to such places, whether that is from within the same country or from outside the county. With respect to both protection and prevention, the paper has raised questions about how to balance the need to protect children from abuse with the obligation to enable them to exercise their rights. Even if the principles that should guide policy decisions are clear, in practice there is a need for practitioners to exchange experience and views and to get a better understanding of the alternatives to their own current practices. Donors

should pay attention to such discussions and ensure that they do not unwittingly support practices which fail to protect children or which impose unjustifiably harsh restrictions on children's rights. There is also a need to establish a better balance between the coordination structures and plans designed specifically to address the sexual exploitation of children, and those designed to address other issues. Different types of child abuse, which are currently addressed by separate structures or plans, would potentially benefit from a more unified approach to child protection in general. On issues which affect both adults and children, particularly women and girls, such as sexual violence and human trafficking, good coordination is needed between the measures affecting adults and the measures affecting children. At the same time, special efforts are needed to ensure that the rights and needs of children receive explicit and specific attention. In the numerous places where children are trafficked from one place to another for sexual purposes, either within the same country or between countries, there is a need to improve the contacts between child protection authorities in the two places.

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