

FROM THE DESK OF THE MEMBER OF THE J.J. COMMITTEE

“The child is father of the man” so said William Wordsworth and I cannot resist quoting the said prophetic line as in today’s world, child is the greatest victim and is in a vulnerable position. The line is also relevant as the theme of this news letter is **child trafficking**. Child trafficking irrespective of sex is one of the most heinous, inter-state and transnational organised crime and is a big scar on our civilised society. It is sad that International Instruments, Municipal Laws and other legislations have to be made to prevent child trafficking, although every human being is expected to honour and preserve child rights.

UN Convention of the Rights of the Child (CRC) with the participation of the greatest number of nations ratifying, inter alia, protect the child from all form of exploitation and requiring all the states to make in accordance with Article 28 primary education compulsory and freely available to all and under Article 31 every right to play, rests and leisure. We have in place the UN General Assembly statement of 1994 which defines trafficking as “the illicit and clandestine movements of persons across national borders, largely from developing countries and some countries with economic transition, with the end goal of forcing women and girl children into sexually or economically oppressive and exploitative situations for the profit of recruiters

traffickers and crime syndicates as well as other illegal activities related to trafficking as forced domestic labour, false marriage clandestine employment and false adoption.”

The founding fathers of our Constitutions had also taken care of the special position of the women in Articles 15, 23 and 39 of the Constitutions of India. The Philosophy under the Directive Principle of the State Policy is very progressive as it endeavours to prohibit all kinds of exploitation of women in all walks of life. Inadequate education and employment opportunities due to gender disparities, social conventions such as child marriage, polygamy, dowry system, lack of strong political will and weak law enforcement mechanism in various states of girls and women, the sexual abuse of girls often by family members and close relation and the willingness of the families and guardians of poor families to let their daughter to go to urban centres and across countries for their own material gain without realising the grave consequence contribute to the trafficking.

The Coalition of Asia Pacific report of 1997 shows that under the UNO Child Assembly Resolution of 14th November, 1996 Governments are asked to criminalise trafficking in women and girls in all its forms and to condemn and penalise all their offenders involved including intermediaries regardless of the place where the

offence are committed while ensuring that victim of trafficking are not penalised and to penalise persons in authority found guilty of sexually assaulting victims of trafficking in their custody.

Forced prostitution is the most severe practice of sexual exploitation. It is connected with other forms of sexual violence such as incest and sexual abuse of children, rape, bothering of women and sexual harassment. It becomes all the more painful when children are trafficked with the participation of their parents when they are immature.

They could be friendly neighbour, kindly shopkeeper, enduring relative, caring parents, cousin teacher etc. and they belong to wide spectrum of society, all sections and classes. Children are allured for a better living with false promises to be ultimately landed up in hell. Incidents are galore when the places considered to be their safe heaven are used for child trafficking. I only wonder how traffickers who have their children at home and have passed their age of childhood could be so inhuman, ruthless and use these helpless innocent faces who deserve a better living as chattels. It pains me more when so-called educated minds holding responsible position misuse their power for greed and indulge in nefarious activities and instead of protection become perpetration of crime.

One such incident had taken place recently in the North Bengal. It would be briefly indicated in the challenge and success story.

According to the book ‘Rape for Profit’ about 50,000 Nepali women and girls have been trafficked to India. One news report says that about 5000 Nepali women and girls are trafficked yearly to India. Here estimated 2.3 million are in prostitution, a quarter of whom are minors. Over 1000 red light districts are all over India.

Abraham Lincon long time back had pledged to do away with slavery. Forced prostitution and slavery have nonetheless all over the world in various forms behind the mask continued and flourished. At the end of the day the child has remind a victim. Let us take a pledge and an honest one to do away with child trafficking. Although contextually different it reminds me of the prose “The Selfish Giant” by Oscar Wilde which narrates how a little boy who had entered the garden of the giant through a little hole in the wall prohibited for children, could melt the heart of the giant and eventually turned the garden from the winter of despair to a spring of hope with beautiful blossoms and full of happiness. The world is the child’s play ground and it could be a paradise only when we pledge to do away with child trafficking provide them social security.



Success story would show the attempts made by administration with the help of NGO’s to rescue rehabilitate and repatriate children. Repatriation is really a difficult task and a real challenge. However, there has been a significant success over the years. There is no place for complacency. Rehabilitation involves sustainable development and growth of the child with a view to securing his future and helps the child to become an asset of the society. The safety and security of a child is of paramount consideration. Reform within is most important and it must begin from home. A child should be treated as child and not adult.

With the hope that our pledge to fight child trafficking would succeed I end with a beautiful line from John F Kennedy “Children are the living messages we send to a time we will not see”.

SOU MEN SEN
MEMBER OF THE
JUVENILE JUSTICE
COMMITTEE.
CALCUTTA HIGH COURT

DATA OF CHILD TRAFFICKING AND POCSO IN WEST BENGAL FOR THE YEAR 2017

1. In the year 2017, a total number of 5847 children were recovered against 6635 reported cases of missing children. The percentage of recovery is about 88.12%
2. Dedicated campaign namely Operation Muskan 3 was held for the recovery of the missing children. During this drive, 818 children were recovered from various places, as per data available from O/C MPB, CID, WB.
3. Out of recovered children, 557 have been reintegrated to their family.
4. A total number of 522 Human Trafficking cases have been reported in West Bengal for the year 2017, as per the data received from SCRB, WB.
5. A total number of 734 traffickers have been arrested in the year 2017 as per data collected from Districts.
6. A total number of 383 Minor Victim Girls and 16 Minor Victim Boys have been recovered this year as per data collected from Districts.
7. A total number of 2484 cases have been registered under POCSO Act. Out of these cases, chargesheet have been submitted in 2034 cases. This data have been collected from Districts by O/C POWC, CID, WB.

INITIATIVES TAKEN TO PREVENT CHILD TRAFFICKING IN WEST BENGAL

1. 371 Child Friendly Corners have been created in Police Stations of West Bengal. This data have been collected from Districts by O/C POWC, CID, WB.
2. Training and sensitization programmes are continuously going on for police officers.
3. **MUKTIR ALO** – Scheme has been launched by the Govt of West Bengal for rehabilitation of sex workers and victims of sex trafficking in West Bengal under the Department of Women & Child Development and Social Welfare, Government of West Bengal.
4. **Chetana** : Awareness programme launched by Barrackpore Police Commissionerate. Focus on child abuse and human trafficking. Active involvements of NGOs under Barrackpore Police Commissionerate, More than 2550 students of different schools participated in 2017.
5. Trial of child trafficking cases are also being monitored
6. **SWAYAMSIDDHA** - A special pilot programme styled as “Sayamsiddha” is being organized by Police in girls schools and other vulnerable areas to create awareness against trafficking and child marriage. It is a preventive initiative and is perceived to be an answer to one of the most heinous interstate and transnational organized crime i.e. Human Trafficking, specially sex trafficking and is also a counter measure against another evil practice of society i.e. Child Marriage.



7. Government of West Bengal has already created West Bengal Task Force on 14/12/2007 for Rescue, Safe Return and Repatriation of Women and child victims of trafficking and cross border movement from Bangladesh. Regular interactive meetings are being attended by representative of High Commission of Bangladesh, BSF, CID, WB and members of NGO who are also stakeholders of the task force. The formation of task force has brought wonderful results in Rescue, Safe Return and Repatriation of Women and child victims of trafficking and cross.

In the year 2017 and 2018 upto March, 105 victims (Male 55 and Female 50) have been repatriated. (Data supplied by Social Welfare Department)

8. Various districts/units including CID organized awareness programmes for educating the girl child to prevent them getting into the hands of traffickers

9. Activities so far

- a) Outreach programmes to sensitize students and common man has already been organized in more than 100 schools.
- b) Sensitization, workshops have been organized in Gram Panchayat level.
- c) To bring desired result efforts have been taken for converging efforts of all stake holders working against human trafficking e.g. Child welfare department, District Social Welfare Department, NGO's, District School Department, District Legal Cell etc.

SUCCESS STORIES

(1) Case reference:- Jalpaiguri Kotwali Police Station case no. 119, Dated: 19-02-2017 u/s 370(5)/420/417/468/120B/34 IPC

On the basis of a letter from Central Adoption Resource Authority, CID, WB started an enquiry against the stealthy business of selling babies under the disguise of adoption without following proper rules and regulation by an NGO which was operated by one Smt. Chandana Chakraborty, the Chairperson of North Bengal Peoples Development Centre with the help of District Child Protection Officer namely Smt. Sashmita Ghosh.

A team of CID, WB went to Jalpaiguri and collected intelligence against the accused persons. Later found the allegation to be true, that a racket of selling minors was running under the camouflage of performing social activities. After enquiry, a raid was conducted in various places of Jalpaiguri including office of NBPDC, Bimala Shishu Griha, Short Stay Home named Ashray and house of one Juhi Chowdhury. During raid many incriminating documents were seized by the investigating team and altogether 7 persons were arrested in this case.

During investigation, all together 17 number of files were recovered which showed that 16 children were sold without observing legal guideline. An unmarried pregnant lady was recovered without any legal documents from Ashray Short Stay Home run by the accused Chandana Chakraborty's NGO North Bengal Peoples Development Centre which supported the allegation that she used to procure babies from the poor, helpless pregnant mother who took shelter in distress at the aforesaid home and later on sold out the babies taking advantage of the situation of the mother. Some of the seized documents reflect that accused Chandana Chakraborty also sold some children overseas in lieu of a huge amount of money.

It further revealed that Chandana Chakraborty, the Secretary, North Bengal Peoples Development Centre used to run SAA (Specialized Adoption Agency) Jalpaiguri at Keranipara in Jalpaiguri District. She received mainly infant children from different CWC of the North Bengal Zone. Chandana Chakraborty was having very good relation with DCPO Jalpaiguri, Smt. Sashmita Ghosh and Shri Mrinal Ghosh, DCPO, Darjeeling. Manas Bhowmick and Sonali Mondal helped her in selling out babies by preparing false documents. One Dr. Debashish Chanda was the regular visiting doctor of short stay home Ashray and Bimala Shishu Griha. He helped Chandana Chakraborty to prepare some false medical certificate regarding adoption method.

So far investigation has revealed that accused Chandana Chakraborty was directly involved in Child Trading through her NGO.

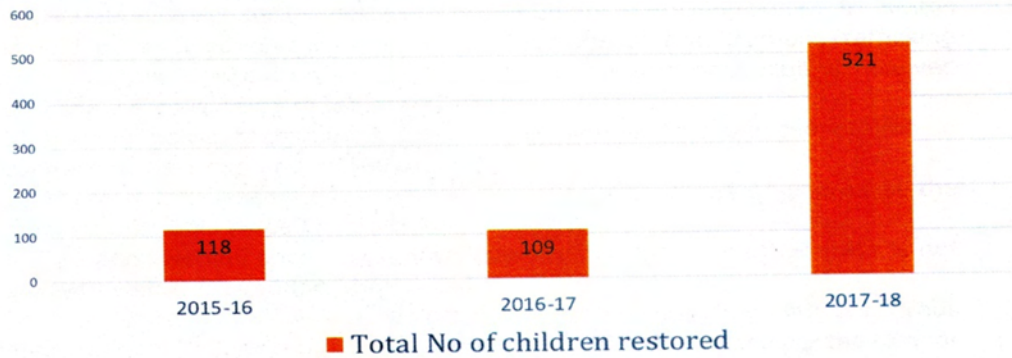
The case has been Charge Sheeted vide Jalpaiguri (Kotwali) P.S Chargesheet no. 310/17 dt. 17/05/17 u/s 370(5)/420/417/468/120B/201 IPC and 70/75/80 J.J Act. Trial of the case is going on.

(2) In or about March, 2017 one Ambika Das (name changed) submitted written complaint that in early March, 2017 the victim girl, aged about 16 years left her house for attending annual examination and she did not return to her house. Later she learnt that the accused in conspiracy with others have kidnapped the victim girl with ill motive. The case was initially investigated by the District Police and later on taken up by C.I.D., West Bengal pursuant to an order passed by the Hon'ble High Court at Calcutta. In December, 2017 the victim girl was restored from Maharashtra along with her father and handed over to her mother. During investigation it was found that the accused kidnapped the victim girl with an intention to marry her. On completion of investigation Charge Sheet has been submitted under the POCSO Act.



West Bengal has porous borders with Bangladesh and Nepal. There are also incidents of trafficking inter-state. Child traffickers are active in the hinter land and children are trafficked to Bihar, Chhattisgarh and the neighbouring states. However, there has been significant success in inter-state restoration and repatriation.

18. Inter-state restoration:



19. Repatriation:

