



# Child Trafficking In India: It's Challenges and Prevention

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## ABSTRACT

*Child trafficking is a prevalent universal challenge which requires the illicit trade of children for the object of involuntary servitude, forced prostitution, illegal adoption along with armed conflict. Despite stringent laws and government interventions, child trafficking continues to thrive due to socio-economic vulnerabilities, inadequate enforcement mechanisms and organized criminal networks. This article explores the causes, effects, prevention mechanisms associated with child trafficking, highlighting both international and regional responses along with the major challenges associated with child trafficking in India and suggest viable solutions to mitigate this social evil. Drawing on various case studies and reports from organizations such as the United Nations (UN), UNICEF, and INTERPOL, it examines the factors driving child trafficking and the efforts made by governments, non-governmental organizations (NGOs), and international bodies to combat it.*

**Keywords-** Child Trafficking, sexual exploitation, illegal adoption, armed conflict, combat.

## INTRODUCTION

Child trafficking refers to the illegal retrieval, transit, transmit, harboring, or damage of children for the purpose of oppression. It's one of the most grievous violations of natural rights, and the victims frequently face long-lasting mental, physical, and emotional detriment. According to the United Nations, millions of children worldwide fall victim to trafficking every time, with the maturity being traded for sexual exploitation, forced labor, and illegal relinquishment.

## UNDERSTANDING THE CHILD TRAFFICKING

Human trafficking refers to the solicitation, conveyance, relocation, harboring, along with receiving of individuals through the use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or granting either accepting of money or any advantage in order to gain the consent of someone in a position of control over another individual for oppressive purposes.

**Constitution of India, Article 23** : Traffic in human beings and ‘begar’ and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law<sup>1</sup>.

Trafficking means dealing with any type of unlawful activity. That refers latest expressions like narco trafficking, weapons smuggling and human trafficking. Human trafficking is defined theoretically as the Unlawful Activity of manipulation of living beings where they are managed as object for gain and are subject to long term oppression after being trafficked.

Child trafficking is a global problem that transcends borders. While exact figures are delicate to determine due to the covert nature of trafficking, estimates from transnational associations similar as UNICEF and the International Labour Organization( ILO) suggest that there are over 1.2 million children traded every time. Over 10,000 cases of trafficking were reported, yet only 1,031 convictions were secured (between 2018 and 2022). U.P, Bihar and Andhra Pradesh are among the top states with the highest number of trafficked children.

Child trafficking involves the recruitment, transportation, harboring or transfer of children for exploitative purposes. Here are the different types:

- **Sex Trafficking:** Children are forced, coerced or manipulated into commercial sexual exploitation, including prostitution, pornography or escort services.
- **Involuntary servitude:** Trafficked children are compelled for giving services like in agriculture, housework, factories or for construction work often under inhumane conditions.
- **Illegal Adoption:** Traffickers exploit adoption systems by falsifying documents or coercing parents into giving up their children.
- **Organ Trafficking:** Children are kidnapped or coerced for the illegal sale of their organs.
- **Child Soldiers:** Trafficked children are recruited or forced to serve as soldiers, spies or suicide bombers in armed conflicts.
- **Forced Begging:** Children are exploited by traffickers who force them to beg on the streets and hand over the money.

<sup>1</sup> The Constitution of India , art 23.

- **Forced Marriage:** Underage children, particularly girls, are sold or forced into marriage, often leading to abuse and exploitation.
- **Drug Trafficking & Criminal Exploitation:** Children are forced to smuggle drugs, commit theft or engage in other illegal activities.

## CAUSES OF CHILD TRAFFICKING

Child trafficking is a multifaceted problem influenced by a range of socio-economic, political, and cultural factors. This section will break down the key drivers of child trafficking:

**i. Poverty and Economic Inequality** Poverty is the single largest factor contributing to child trafficking. Families facing extreme economic hardship may be forced to sell or give up their children under the false promise of better opportunities. In many cases, traffickers prey on the desperation of families, offering a seemingly better life for their children.<sup>2</sup>

**ii. Weak Legal Systems and Corruption** In many countries, weak legal frameworks, corruption, and ineffective law enforcement agencies contribute to the prevalence of child trafficking. Lack of strong legal protections for children, combined with loopholes in adoption laws and international agreements, create an environment in which traffickers can operate with impunity.

**iii. Social and Cultural Norms** In some regions, cultural practices such as child labor and child marriage exacerbate the problem of child trafficking. Lack of education and awareness of trafficking signs can lead to the normalization of trafficking practices.

**iv. Conflict and Displacement** Children are highly vulnerable to trafficking in conflict zones or areas with weak governmental control. Refugees and internally displaced children are often separated from their families, making them prime targets for traffickers.

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<sup>2</sup> N., Vijayakumara, "Prevention and Combating on Trafficking: Methods and Procedures"<sup>3</sup> Indian JL & Legal Rsch., (2021) <https://heionline.org/HOL/LandingPage?handle=hein.journals/injlow3&div=541&id=&page/> (last visited July 2,2025).

## CONSEQUENCES OF CHILD TRAFFICKING

The effects of child trafficking are far-reaching and impact not only the individual children but also families, communities, and nations.

**i. Physical and Psychological Damage** Children trafficked for sexual exploitation or forced labor often suffer from severe physical abuse, malnutrition, and exposure to dangerous working conditions. Psychic damage includes post-traumatic stress syndrome, disquiet, misery, emotional scars, are also common among survivors.

**ii. Impact on Education** Trafficked children are often deprived of education, which not only limits their future opportunities but also perpetuates the cycle of poverty and exploitation.

**iii .Societal Impact** Child trafficking also has detrimental effects on society as a whole, fostering a culture of violence, exploitation, and inequality. The economic costs of child trafficking, including lost productivity and the cost of rehabilitation, place a significant burden on national economies.<sup>3</sup>

## LEGAL FRAMEWORK FOR COMBATING CHILD TRAFFICKING

**i. International Legal Framework:** Numerous international conventions and treaties which are ratified by India aims to combat child trafficking, such as:

- The UN Convention on the Rights of the Child (CRC), provides protection against trafficking.
- The Palermo Protocol to Prevent, Suppress, and Punish Trafficking in Persons, a part of the United Nations Convention against Transnational Organized Crime.

**ii. National Laws and Policies:** India boasts a strong legal system designed to stop and prevent human and child trafficking. This framework includes constitutional provisions, specific laws and international commitments.

a) Constitutional Provisions

- Article 23: Prohibits human trafficking and forced labor (begar).
- Article 24: Prohibits employment of children below the age of 14 in factories, mines or hazardous employment.

<sup>3</sup> G Babu, "Child trafficking in India: A good governance perspective" 5 International Journal of Peace, Education and Development (2017).

<https://www.indianjournals.com/ijor.aspx?target=ijor:ijepd&volume=5&issue=2&article=002/> (last visited July 3, 2025).

**b) Key Legislations**

- Bharatiya Nyaya Sanhita (BNS), 2023

Section 139- Trafficking of Persons

Section 140- Exploitation of a Trafficked Person

Section 141- Habitual Dealing in Slaves

Section 142- Unlawful Compulsory Labor

- Immoral Traffic (Prevention) Act, 1956 (ITPA) – It deals with preventing and combating trafficking for commercial sexual exploitation. It also penalizes brothel keeping, procuring and detaining persons for prostitution.
- Protection of Children from Sexual Offences Act (POCSO), 2012 – This legislation protects all the children below eighteen years of age from sexual assault, harassment, pornography and trafficking of children for sexual exploitation.
- Juvenile Justice (Care and Protection of Children) Act, 2015- The Act provides for care, protection and rehabilitation of trafficked children. It also designates trafficked children as children in need of care and protection.
- Bonded Labour System (Abolition) Act, 1976 – It abolishes bonded labor and makes it punishable.
- Child Labour (Prohibition and Regulation) Act, 1986 (Amended in 2016)- It prohibits employment of children below 14 and regulates conditions of work for adolescents (14- 18).
- Transplantation of Human Organs Act, 1994 –It addresses trafficking for organ trade.

**iii. Role of International Organizations** International bodies such as UNICEF, INTERPOL, and non-governmental organizations (NGOs) play a crucial role in providing support for victims, conducting research, and facilitating global cooperation in the fight against child trafficking.

**iv. Government Schemes & Initiatives**

- Operation Smile & Operation Muskaan: For rescuing missing and trafficked children.
- Track Child Portal: To track missing children and link police with child welfare services.

**v. Proposed and Supplementary Laws**

- Trafficking in Persons (Prevention, Care and Rehabilitation) Bill: Aims for a comprehensive law with central and state level anti-trafficking bureaus, special courts and victim rehabilitation.

## CHALLENGES IN COMBATING CHILD TRAFFICKING

- i. Poverty and Economic Vulnerability:** Many families in rural and impoverished areas are coerced into giving away their children due to economic hardships. Traffickers often lure parents with promises of better education and employment opportunities for their children<sup>4</sup>.
- ii. Lack of Awareness and Education:** Many communities are unaware of the risks associated with trafficking. Children and Parents often fail to recognize traffickers deceptive tactics.
- iii. Weak Law Enforcement and Corruption:** Despite strict legislations such as the Immoral Traffic Prevention Act 1956 and Protection of Children from Sexual Offences (POCSO) Act 2012, execution remains inadequate. Corruption within law enforcement agencies allows traffickers to evade justice.
- iv. Complexity of Trafficking Networks:** Trafficking is often carried out by well-organized criminal networks that operate across state and national borders. Weak coordination between states and agencies hampers investigations and rescues.
- v. Gender Discrimination and Social Norms:** Girls are particularly vulnerable due to deeply rooted gender biases and cultural stigmas. Child marriage and forced labor are significant contributors to trafficking.
- vi. Inadequate Rehabilitation and Reintegration:** Rescued children often face difficulties in reintegrating into society due to stigma and lack of proper rehabilitation facilities. Psychological trauma and lack of vocational training further hinder their recovery.

## JUDICIAL FRAMEWORK

In **Pinki V. State of Uttar Pradesh**<sup>5</sup>, the Apex Court of India established guidelines aimed at combating child trafficking. The Supreme Court instructed all High Courts to ensure that trials related to child trafficking are concluded within six months and to provide updates on their progress. The Court also pointed out the low conviction rates in these cases, which are due to factors such as: easy bail for traffickers, uncooperative witnesses, and delays in the trial process.

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<sup>4</sup> B Ghosh , “Trafficking in women and children in India: nature, dimensions and strategies for prevention”<sup>13</sup> The International Journal of Human Rights, (2009) - Taylor & Francis.  
<https://www.tandfonline.com/doi/abs/10.1080/13642980802533109/> (last visited July 4, 2025).

<sup>5</sup> Criminal Appeal No- 1927 of 2025.

### In **Bachpan Bachao Andolan vs Union of India and Others**<sup>6</sup>

In this case, for the first time in India, the crime of Trafficking was officially defined. The employment of trafficked children in circuses was banned. This led to India ratifying the Palermo Protocol, 2000 (The Protocol to the Convention Against Transnational Organised Crime) on May 5, 2012. Comprehensive guidelines were introduced for the execution of the Juvenile Justice (Care and Protection) Act, 2000.

The phrase Missing Children refers to a person under eighteen years old whose whereabouts are unknown to their parents, legal guardians, or any other individual legally responsible for their care, regardless of the reasons or circumstances surrounding their disappearance. In all instances involving missing children, it has been mandated that a First Information Report (FIR) be filed under the assumption of potential kidnapping or trafficking until the investigation proves otherwise. Even after the child is found, law enforcement is required to investigate further to determine if there is any connection to trafficking. A digital network is to be established and connected to all districts, which will serve as a database for missing children.

In **Vishal Jeet V. Union of India**<sup>7</sup> The Apex Court determined that this issue holds significant importance, necessitating a thorough and detailed examination, and calls for a humanistic perspective rather than a strictly legalistic one from various viewpoints. The issues at hand generate substantial concern for the Court as it seeks an effective resolution to eliminate the sexual exploitation of children. The Court emphasized that this affliction is not merely a social issue but also a socio-economic challenge; consequently, the strategies implemented should prioritize prevention over punishment.

In **PUDR V. Union of India**<sup>8</sup> the court observed that the term 'force' and 'forced labour' is defined as follows: Force is any circumstance that limits a person's options and pressures him into taking a specific action. If an individual provides work or services for payment that is below the minimum wage, the work or services rendered by that individual undoubtedly fall under the definition of 'forced labour' as outlined in Article 23 of the Indian Constitution.

In **Bandhua Mukti Morcha V. Union of India**<sup>9</sup> the court held, whenever it is demonstrated that a worker has been compelled to undertake forced labor, the court will establish a presumption that this individual is obligated to do so due to an advance or other financial benefits secured and is consequently classified as a bonded laborer. Bonded laborers need to be recognized and freed, and upon their release, they should be properly rehabilitated.

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<sup>6</sup> AIR (2011) 5 SCC 1

<sup>7</sup> AIR 1990 SC 1412

<sup>8</sup> AIR 1982 3 SCC 235

<sup>9</sup> AIR 1982 2SCC 253

## PREVENTION AND INTERVENTION STRATEGIES

**i. Raising Awareness and Education** One of the key strategies in preventing child trafficking is public awareness campaigns. Education programs aimed at both children and parents can help communities recognize the warning signs of trafficking and how to protect their children.

**ii. Strengthening Law Enforcement and judicial systems** is critical to combat trafficking. This involves increasing the training of police officers, social workers, and border officials to identify trafficked children and ensure they receive protection and support.

**iii. International Cooperation** As trafficking is a transnational issue, international cooperation is essential. This includes data sharing, joint operations between countries, and harmonizing legal frameworks to ensure traffickers cannot exploit jurisdictional loopholes.<sup>10</sup>

**iv. Rehabilitation and Reintegration** After being rescued, trafficked children often need extensive rehabilitation, which includes physical care, psychological counseling, and reintegration into society. This section will explore existing rehabilitation programs and their effectiveness.<sup>11</sup>

**ROLE OF TECHNOLOGY IN COMBATING TRAFFICKING** -Technology plays a vital role in combating human trafficking across prevention, detection, enforcement, and victim support. Here are the key ways it contributes:

### 1. Detection and Monitoring

- **AI and Machine Learning:** Algorithms analyze patterns in online ads, financial transactions, and travel behavior to identify trafficking networks.
- **Web Crawlers:** Tools like Spotlight scan the internet for sex trafficking activity by scraping and analyzing escort ads and suspicious content.
- **Social Media Monitoring:** Authorities and NGOs use software to detect recruitment or grooming tactics on platforms like Facebook, Instagram, and TikTok.

<sup>10</sup> AS Bhadouriya, "Human Trafficking, Its Issues and Challenges in India: A Study from Human Rights Perspective" *Int'l JL Mgmt. & Human.*, (2019) <https://heinonline.org/HOL/LandingPage?handle=hein.journals/ijlmhs2&div=114&id=&page=/> (last visited July 5, 2025).

<sup>11</sup> SRG Krishnan, "Reducing child trafficking in India: the role of human rights education and social work practice" *Journal of Human Rights and Social Work*, (2023) <https://link.springer.com/article/10.1007/s41134-023-00246-3/> (last visited July 6, 2025)

## 2. Law Enforcement and Prosecution

- **Data Sharing Platforms:** Inter-agency databases help law enforcement share intelligence across borders (e.g., INTERPOL's databases).
- **Digital Evidence Collection:** Tools preserve chat logs, location data, and communications that can be used in court.
- **Facial Recognition and Biometrics:** Help identify missing persons or track traffickers.

## 3. Support for Victims

- **Hotlines and Chatbots:** Apps and online platforms offer discreet ways for victims to seek help, such as Polaris or Be My Protector.
- **Blockchain for Identity Protection:** Some organizations are exploring blockchain to store tamper-proof records for displaced persons or victims lacking ID.

## 4. Awareness and Prevention

- **Online Campaigns:** NGOs and governments use digital media to raise awareness, particularly targeting at-risk populations.
- **Educational Platforms:** E-learning and mobile apps help vulnerable communities recognize signs of trafficking.

## CONCLUSION

Child trafficking remains one of the most pressing human rights challenges of our time. Despite significant efforts by international bodies, governments, and NGOs, the issue persists due to deep-rooted social, economic, and political factors. Effective strategies to combat trafficking include strengthening legal frameworks, enhancing international cooperation, raising awareness, and providing comprehensive support for victims. The fight against child trafficking requires a concerted effort at the local, national, and international levels to protect vulnerable children and ensure their rights and safety.

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