

6. Child Trafficking in India – Polity

In *K. P. Kiran Kumar versus State*, the Supreme Court recently issued strict guidelines, holding that trafficking grossly violates children's fundamental right to life under the Constitution.

Scale and gravity

Rescue trend indicates wide prevalence – NCRB-linked rescue figures show 3,098 victims (below 18 years) rescued in 2022, indicating persistent trafficking-related victimisation. Between April 2024 and March 2025, over 53,000 children were rescued from child labour, trafficking and kidnapping, suggesting either improved detection/enforcement, rising incidence, or both.

Weak deterrence reflected in convictions – MHA-reported registration of 10,659 trafficking cases (2018–2022) with a very low conviction rate (~4.8%) points to gaps in investigation quality, witness protection, prosecutorial capacity, and victim-centric processes.

Meaning of child trafficking

International standard (Palermo Protocol, 2000) – Child trafficking covers recruitment, transportation, transfer, harbouring, or receipt of a child for exploitation; unlike adults, “means” (force/coercion) is not necessary to establish trafficking when the victim is a child.

Indian legal position (BNS, 2023) – Section 143, Bharatiya Nyaya Sanhita (BNS), 2023 criminalises trafficking for exploitation through force, coercion, deception, abuse of power, inducement, etc., and recognises broad forms of exploitation including sexual exploitation, slavery/servitude, forced labour and organ removal; child trafficking attracts enhanced punishment.

Major dimensions of child trafficking

Sexual exploitation – Trafficking for commercial sexual exploitation through brothels, hotels, and increasingly online grooming/digital facilitation.

Domestic servitude – Children placed in urban homes with high isolation risk, denial of education, and low visibility for inspectors.

Begging and bonded exploitation – Organised rackets where children may be controlled through intimidation, substance use, or deliberate injury to increase earnings.

Forced labour – Factories, informal manufacturing, agriculture, construction, mining and hospitality—high accident risk, wage theft, and coercive retention.

Forced criminality – Theft, drug peddling, pickpocketing—children used because they are easier to coerce and sometimes perceived as facing lighter consequences.

Child marriage and illegal adoption – Trafficking linked to marriage markets, fraudulent documentation, and sale of children through informal networks.

Constitutional basis for child protection

Fundamental Rights

1. Article 23– Prohibits trafficking and forced labour.
2. Article 24– Prohibits child labour in hazardous occupations.

Directive Principles

1. Article 39(e)– Protects children against abuse and exploitation.
2. Article 39(f)– Ensures healthy development in dignity and freedom.

Statutory framework against trafficking

Bharatiya Nyaya Sanhita (BNS)

Section 143– Trafficking of persons (including children) for exploitation; enhanced punishment for child trafficking.

Sections 98 and 99– Selling and buying of minors (addressing child sale/transfer for exploitation).

Immoral Traffic (Prevention) Act, 1956 (ITPA) – Targets commercial sexual exploitation ecosystems (brothel keeping, procurement, living on earnings of prostitution, etc.).

Juvenile Justice (Care and Protection of Children) Act, 2015 – Care, protection, restoration and rehabilitation mechanisms; CWC-led child protection procedures.

Criminal Law (Amendment) Act, 2013 – Expanded trafficking understanding and related offences in the criminal law ecosystem, strengthening prosecution of exploitation-related crimes.

POCSO Act, 2012 – Comprehensive child sexual offences law; gender-neutral; stringent punishments; child-friendly procedures; special courts/fast-track orientation in many states.

Judicial approach

Vishal Jeet v. Union of India (1990) – Treated trafficking/child prostitution as serious socio-economic problems and pushed a preventive, rehabilitative approach.

M.C. Mehta v. State of Tamil Nadu (1996) – Strengthened legal approach against hazardous child labour and reinforced state responsibility for child protection.

Bachpan Bachao Andolan v. Union of India (2011) – Directed systemic steps to address trafficking and exploitation, including stronger rescue–rehabilitation pathways.

K.P. Kiran Kumar v. State (recent) – Reaffirmed that trafficking violates constitutional guarantees and emphasised strict, sensitive handling of child victims and preventive safeguards.

Key gaps explaining low convictions

Investigation gaps – Poor linkage evidence across source–transit–destination chain, weak digital/financial trails, inadequate inter–state coordination.

Victim-centric failures – Delayed rehabilitation, fear of reprisals, social stigma, weak witness protection leading to hostile testimony.

Prosecution and trial constraints – Case backlogs, low-quality charge sheets, inadequate specialised training, and limited use of special court procedures.

Way forward

Prevention – Targeted surveillance at high-risk nodes (railway/bus stations), community vigilance, school retention and social protection for vulnerable families.

Protection and rehabilitation – Standardised rescue SOPs, trauma-informed care, time-bound compensation, education reintegration, and livelihood support for families.

Prosecution strengthening – Specialised anti-trafficking units, better digital evidence, financial investigation of trafficking networks, and witness protection.

Partnership model – Strong coordination among Police, CWCs, District Child Protection Units, Labour Department, NGOs, and transport authorities.

Source- <https://www.thehindu.com/news/national/how-should-india-tackle-child-trafficking-explained/article70523068.ece>