

Tackling Child Trafficking in India - Legal Framework and Institutional Response

January 19, 2026 • vajiramandravi.com



Child Trafficking Latest News

- India's response to child trafficking has come under focus following recent judicial directions and data highlighting low conviction rates despite large-scale child rescues.

Understanding Child Trafficking in India

- Child trafficking remains a persistent and grave violation of human rights in India.
- It involves the recruitment, transportation, harbouring or receipt of children for purposes of exploitation, including forced labour, sexual exploitation, slavery, servitude, or organ removal.
- Despite extensive constitutional and statutory safeguards, trafficking networks continue to operate due to socio-economic vulnerabilities and weak enforcement outcomes.
- Official data indicate that thousands of children are rescued every year, yet convictions remain disproportionately low, exposing gaps between law, enforcement, and justice delivery.

International and Domestic Legal Definitions

- At the international level, child trafficking is defined under the **Palermo Protocol** (2000), which treats any movement or exploitation of a child for exploitative purposes as trafficking, irrespective of consent.
- This principle has been incorporated into India's domestic legal framework.
- Under the *Bharatiya Nyaya Sanhita* (BNS), 2023, trafficking is defined broadly to include recruitment, transportation or harbouring through coercion, deception, abuse of power, or inducement for exploitation.
- The law recognises multiple forms of exploitation, including physical, sexual, economic, and organ trafficking, ensuring a comprehensive scope.

Constitutional Protection of Children

- The Constitution of India provides a strong foundation for protecting children against exploitation.
- **Article 23** prohibits human trafficking and forced labour, while **Article 24** bans employment of children in hazardous industries.
- Additionally, **Article 39(e) and (f)** directs the State to ensure that children are protected from abuse and are provided conditions of freedom, dignity, and healthy development.
- These constitutional principles impose a positive obligation on the State to prevent exploitation and address the structural conditions that enable trafficking.

Key Legislations Addressing Child Trafficking

- India has enacted multiple sector-specific laws to address different dimensions of child trafficking:
 - **Bharatiya Nyaya Sanhita, 2023**: Criminalises trafficking and the buying and selling of minors.
 - **Immoral Traffic (Prevention) Act, 1956**: Targets trafficking for sexual exploitation.
 - **Juvenile Justice (Care and Protection of Children) Act, 2015**: Focuses on care, rehabilitation, and reintegration of trafficked children.
 - **Protection of Children from Sexual Offences (POCSO) Act, 2012**: Provides stringent punishments for sexual offences against children, including life imprisonment and death penalty in extreme cases.
- The **POCSO Act** is notable for being gender-neutral and for enabling fast-track courts to ensure speedy trials.

Judicial Interventions and Supreme Court Guidelines

- The judiciary has played a critical role in shaping India's anti-trafficking response. In landmark judgments, the Supreme Court has recognised trafficking as a violation of the fundamental right to life and dignity.
- Cases such as *Vishal Jeet v. Union of India*, *M.C. Mehta v. State of Tamil Nadu*, and *Bachpan Bachao Andolan v. Union of India* established preventive, rehabilitative, and regulatory principles.
- More recently, the Court has issued strict guidelines emphasising victim-centric approaches, accountability of authorities, and coordinated enforcement.

Structural Challenges in Tackling Child Trafficking

- Despite a robust legal framework, several challenges persist:
 - **Low conviction rates**, which weaken deterrence
 - **Socio-economic vulnerabilities** such as poverty, migration, disasters, and family breakdown
 - **Misuse of digital platforms** for recruitment under the guise of jobs or opportunities
 - **Fragmented enforcement**, due to trafficking networks operating across State boundaries
- Law and order, being a State subject, further complicates coordinated action, making Centre-State cooperation essential.

Way Forward: Strengthening India's Anti-Trafficking Response

- A multi-dimensional strategy is required to tackle child trafficking effectively.
- This includes improving investigation quality, strengthening rehabilitation mechanisms, enhancing digital surveillance, and ensuring faster trials.
- Most importantly, conviction rates must improve to establish credible deterrence.
- Equally critical is addressing root causes through social protection, education, livelihood support, and awareness programmes.
- A strong institutional partnership between the Union and States is indispensable for disrupting trafficking networks operating across jurisdictions.

Source: **TH**

Source: <https://vajiramandravi.com/current-affairs/tackling-child-trafficking-in-india-legal-framework-and-institutional-response/>

© Vajiram & Ravi. For personal use only.