



# Child Trafficking in India



**Context:** Child trafficking continues to be a grave human rights challenge in India, despite a robust constitutional framework and multiple statutory protections.



## CHILD TRAFFICKING



Section 143 of Bhartiya Nyaya Sanhita (BNS) 2023 defines **trafficking as; recruitment, transportation, harbouring, transfer or receipt of persons for exploitation.**

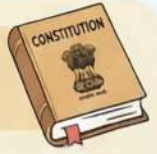


The means include threats, force, coercion, abduction, fraud, deception, abuse of power, or inducement.



Scope of exploitation includes, physical and sexual exploitation, slavery, servitude and forced labour, forced removal of organs.

## CONSTITUTIONAL SAFEGUARDS IN INDIA



**Article 21:** Ensures the right to life and personal liberty, which has been interpreted to include the right to live with dignity.



**Article 23:** Prohibits trafficking in human beings and forced labor.



**Article 24:** Prohibits employment of children below 14 years in hazardous industries.



**Article 39(e):** The state should ensure that the health and strength of workers and children are not abused, and that citizens are not forced to take jobs that are not suitable for their age or strength.



**Article 39(f):** Mandates opportunities for children to develop in conditions of freedom, dignity, and protection from moral and material abandonment.

## JUDICIAL INTERVENTION AGAINST CHILD TRAFFICKING



In **Vishal Jeet versus Union of India**, 1990 the court held that trafficking and child prostitution are serious socio-economic problems and hence a preventive and humanistic approach is essential to deal with them.



In **M. C. Mehta versus State of Tamil Nadu**, 1996, the Court issued guidelines with a view to prohibiting employment of children in hazardous industries.



In **Bachpan Bachao Andolan versus Union of India**, 2011, the Supreme court issued directions to address widespread exploitation and trafficking of children.



The Supreme Court in **K. P. Kiran Kumar versus State** The Supreme Court has given strict guidelines to prevent such offences, and held that trafficking grossly violates children's fundamental right to life as guaranteed by the Constitution.

## LAWS GOVERNING ANTI-TRAFFICKING CRIMES



**The Immoral Traffic (Prevention) Act, 1956** is targeted at stopping immoral trafficking and sex work. It went through two amendments, in 1978 and 1986.



**The Child Labour (Prohibition and Regulation) Act, 1986**, prevents children from partaking in certain employments and regulates the conditions of work for children in other fields.



**The Bonded Labour System (Abolition) Act, 1976**, prohibits systems of labour where people, including children, work under conditions of servitude to pay off debt, and also provides a framework for rehabilitating released labourers.



**The Juvenile Justice (Care and Protection of Children) Act 2015**, which governs laws relating to children alleged and found to be in conflict with law.



**Protection of Children from Sexual Offences (POCSO) Act, 2012**, which seeks to prevent commercial sexual exploitation of children.