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CHILDREN IN TRAFFICKING NETWORKS: ORGAN TRADE AND SEXUAL EXPLOITATION AS SOCIO- ECONOMIC CRIMES

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Abstract:

Child trafficking for organ removal and sexual exploitation stands among the most severe socio-economic crimes of our time. Driven by poverty, inequality, and weak governance systems, these crimes transform children into commodities for profit in illegal organ markets and the commercial sex industry. Globalization and economic growth, while creating opportunities for progress have also widened vulnerabilities, leaving marginalized children at heightened risk of exploitation in both India and abroad. This paper examines trafficking through the lens of socio-economic offences, emphasizing how structural inequalities and global demand sustain these exploitative networks. By drawing on international conventions, Indian legislation, and secondary sources, it argues that trafficking is not only a violation of law but also a deep socio-economic injustice that erodes community welfare, social development and moral values. The study also highlights critical gaps in prevention, enforcement, and rehabilitation, while proposing integrated reforms to dismantle trafficking systems and ensure child protection.

Keywords: Child trafficking, organ trade, sexual exploitation, socio-economic offences, India, globalization, vulnerability, organized crime.

1. Introduction:

In the event of globalization, rapid economic growth, lies a paradox of inequalities because while the wealth accumulates in the hands of a few, millions of children are entrapped in networks of exploitation in the form of Child trafficking for the purposes of organ removal and sexual exploitation of children and this has emerged as one of the most heinous socio-economic

crimes of the 21st century as such offences are committed against one of the most vulnerable section of the society. This process of children being drawn to the networks of trafficking networks is a gross violation of human rights. At the global level, children are commodified and exchanged across borders putting them into the underground market where the organ trade has grown into a multi-billion-dollar industry, with children trafficked for kidneys, liver segments, or corneas to meet the insatiable medical demands of wealthy patients. Simultaneously, the child sex trade is fueled by factors ranging from tourism to online pornography, blurring boundaries between local exploitation and transnational crime.

In India, child trafficking requires immediate attention because poverty, unemployment and the weak enforcement of laws has fueled the commission of such offences against children. Such socio economic vulnerabilities has intensified the demand supply chain of trafficking. Families in distress often fall prey to traffickers promising employment, education, or medical relief, only to find their children forced into brothels or exploited for their organs. This research study explores the increasing number of trafficking cases of children for the purposes of sexual exploitation and organ trade while categorizing it as a socio economic crime from the global as well as Indian perspective.

2. Research Gap:

Despite being recognized as one of the most severe forms of exploitation, child trafficking for organ removal and sexual exploitation remains under-researched due to the limited availability of reliable data and recorded cases. Much of the existing literature and official records focus on adult victims or on trafficking for sexual exploitation, while child-specific cases, particularly in relation to organ trade, are rarely documented or systematically studied.

3. Aims and Objectives:

The central aim of this research paper is to critically explore the increasing number of child trafficking cases in India for the purposes of organ removal and sexual exploitation from the perspective of socio economic crimes. It intends to provide a comprehensive understanding of the issue by focusing on the following specific goals:

1. To study the dual exploitation of children as commodities in illegal organ markets and sex industries and how these reflect socio-economic asymmetries.

2. To examine the root socio-economic causes that push children into trafficking networks.
3. To study the recent data related to the cases of child trafficking in India.
4. To propose integrated measures by combining criminal law, social policy, and economic reforms to dismantle trafficking networks and rehabilitate victims.
5. To conceptualize child trafficking as a socio-economic offence rather than only a criminal law violation.

4. Literature Review

1. **Shweta Singh & Seema Modi¹**: This paper titled “**Child Trafficking and Forced Labour in India: An Analytical Study**” (2024) examines how poverty, illiteracy, unemployment, and disasters are among the main push factors rendering children vulnerable to trafficking. This study find that beyond sexual exploitation, children are trafficked into various forms of labour, agriculture, construction, domestic work, often in hazardous conditions and without pay.
2. **Sidhartha Das & Sak Azad²**: The paper titled “**Analytical Study on Child Trafficking in India and Strategies for Prevention and Rehabilitation**” maps high-risk regions and vulnerable demographics; it emphasizes income disparity, lack of access to education, and weak law enforcement as structural drivers. The study also suggests rehabilitation must involve psychological, educational and community support to help reintegration.
3. **Devaraj Dutta³**: This paper “**Child Trafficking and India With Special Reference to Commercial Sexual Exploitation of Children**” explores how children are drawn into sexual exploitation not only through outright force but by false promises (job, marriage), economic desperation, or via family/relatives
4. **Hemlata Bhagtani & Sunita Singh Khatana⁴**: This paper titled “A spotlight on regional variations, causes and measures” shows trafficking doesn’t affect all states equally. Vulnerability is higher where poverty, low literacy, and weaker governance

¹ Singh, S., & Modi, S. (2024). Child trafficking and forced labour in India: An analytical study. *International Journal of Law Management & Humanities*, 7(1), 1–15.

² Das, S., & Azad, S. (2024). Analytical study on child trafficking in India and strategies for prevention and rehabilitation. *Journal of Critical Reviews*.

³ Dutta, D. (2019). Child trafficking and India with special reference to commercial sexual exploitation of children (CSEC). *International Journal of Psychosocial Rehabilitation*, 23(4), 7967–7975.

⁴ Bhagtani, H., & Khatana, S. S. (2022). Child trafficking in India: A spot light on regional variations, causes and measures. *International Journal of Early Childhood Special Education*, 14(3), 4124–413.

coincide. The paper tries to map origin-destination dynamics, noting movement across state boundaries for exploitation.

5. **Das & Azad⁵**: Studies by Das & Azad (2024) also recommends preventative strategies: community awareness, better monitoring, legal reforms, and cooperation among stakeholders.
6. **S. Swetha⁶**: The paper titled “A Study on child trafficking for organ theft in India” emphasizes that children are especially vulnerable to “double-dealing” (being manipulated both by brokers/agents and by criminal gangs) for organ trade. It rejects the notion that child organ trafficking is a “modern myth” or mere rumor and it argues that it is a real, pressing problem that needs attention.

5. Research Methodology:

This study is based on theological research that sought to examine the causes of increasing number of cases relating child trafficking for the purposes of organ removal and sexual exploitation of children and providing the recommendation for the better enforcement of laws while analyzing it from the lens of socio economic offences. The present study adopts a doctrinal research methodology, relying primarily on secondary sources such as academic journals, published books, official government reports, and credible online resources.

6. Hypothesis:

H1: Child trafficking for organ trade and sexual exploitation is primarily driven by poverty, inequality, and lack of livelihood opportunities.

H2: Weak enforcement of anti-trafficking laws and corruption among officials significantly enable trafficking networks in India.

H3: The global demand generated through medical tourism and the commercial sex industry exacerbates the trafficking of children across borders.

H4: Existing Indian legal provisions (THOTA, POCSO, ITPA) are insufficiently enforced, resulting in persistent trafficking despite legislative measures.

7. Research Questions

⁵ Das, S., & Azad, S. (2024). Analytical study on child trafficking in India and strategies for prevention and rehabilitation. *Journal of Critical Reviews*, 11(5), 6737–6744.

⁶ Swetha, S. (2024). A study on child trafficking for organ theft in India. *ILEDU International Journal of Social Science Research*, 1(2), 110–118.

1. Which socio-economic vulnerabilities most significantly contribute to child trafficking for organ removal and sexual exploitation in India?
2. What are existing international conventions and Indian laws and how it curbs child trafficking for organ trade and sexual exploitation?
3. What structural and institutional gaps exist in law enforcement and cross-border cooperation that allow trafficking networks to operate?
4. Which strategies could improve coordination against trafficking networks?

8. Definition of Human Trafficking and what makes it a socio economic offence

8.1. Definition of Human Trafficking:

The Trafficking Protocol defines the term “trafficking in persons” as follows:

“Trafficking in persons” shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.⁷

Children as easy targets (Data Analysis)

Trafficking in persons affects people of all ages, genders, and regions across the world. The UNODC’s Global Report on Trafficking in Persons (2022), based on data from more than 140 countries, highlights that women remain the most frequently targeted victims. In 2020, about 42% of those identified were women, while girls made up 18%. Men accounted for 23% of detected victims, and boys represented 17%. Alarming, the proportion of children caught in trafficking situations has grown significantly over the past 15 years, with the share of boys rising nearly fivefold. These figures underscore how trafficking networks are increasingly preying on children and shifting patterns of vulnerability globally. At the international level, one in every three victims detected is a child. Girls are mainly trafficked for sexual exploitation, while boys are used for forced labour. The share of detected male victims has risen from around

⁷ United Nations. (2000). *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime*. United Nations Treaty Series, 2237, 319.

10 % in 2003 to 40 % in 2020.⁸ Children are often the easiest targets for traffickers because of their vulnerability and lack of protection compared to adults. Children also tend to trust adults more easily and may not fully understand the dangers around them. Their dependence on adults for food, shelter, and safety makes them highly susceptible to manipulation and exploitation.

8.2 What makes Trafficking a Socio Economic Offence?

8.2.1) Meaning of Socio Economic Offence: Socio-economic offences are crimes that go beyond individual harm and instead disrupt the broader economic and social balance of society. They are often driven by greed, the desire for unfair financial gain, or the exploitation of vulnerable sections of the population. Unlike ordinary crimes, these offences are deeply connected to systemic inequalities, poverty, and corruption. For instance, practices like human trafficking, black marketing, tax evasion, money laundering, and illegal organ trade not only affect victims directly but also weaken trust in institutions, distort markets, and slow down social development. Because they exploit structural weaknesses and have long-term consequences for the stability and welfare of communities, socio-economic offences are considered more dangerous than isolated criminal acts.⁹

8.2.3 Relationship of Trafficking and Socio economic Offence: Trafficking, particularly of children, is considered a socio-economic offence because it does not merely violate individual rights but also exploits systemic inequalities and undermines the social and economic fabric of society. Children are often trafficked due to poverty, lack of education, unemployment of families, and weak social safety nets, making them highly vulnerable to exploitation. The trade in organs and sexual exploitation is driven by market demand and criminal profiteering, where vulnerable children are treated as commodities rather than human beings. Such practices distort economic structures, fuel organized crime, and perpetuate cycles of poverty and deprivation, thereby weakening the development and moral foundations of communities.¹⁰ By targeting the most disadvantaged groups, trafficking reveals its character as a crime rooted in socio-economic vulnerabilities rather than isolated individual acts.

9. Global Dimension relating to Child Trafficking with respect to:

⁸ United Nations Office on Drugs and Crime. (2022). *Global Report on Trafficking in Persons 2022*. United Nations.

⁹ Saxena, S. C. (2003). *Law relating to socio-economic offences*. Eastern Book Company.

¹⁰ United Nations Office on Drugs and Crime. (2020). *Global report on trafficking in persons 2020*. United Nations.

9.1 Organ Trafficking

The Trafficking in Persons Protocol states that if the victim is a child, that is a person below the age of 18, consent is irrelevant regardless of whether any improper means (such as deception, force, abuse of a position of vulnerability) have been used which means, trafficking in children for organ removal only requires that there is an act (recruitment, transport, transfer, harbouring or receipt of a child) for the purpose of exploitation through organ removal.¹¹ Furthermore, the global dimension of child trafficking for organ trade reflects a transnational criminal network that exploits systemic disparities between demand and supply in healthcare systems. Children, often from socio-economically marginalized backgrounds, are trafficked across borders to meet the growing demand for organs, particularly kidneys and livers, in both developed and developing countries. The illicit trade flourishes due to weak regulatory frameworks, corruption, and insufficient enforcement of international instruments such as the Palermo Protocol. Furthermore, the globalization of medical tourism has intensified cross-border organ trafficking, with children being subjected to coercion, deception, or forceful removal of organs. This phenomenon is not confined to one region but represents a globalized market where impoverished populations, including children, serve as sources of organs to wealthier recipients, thereby reinforcing patterns of inequality and exploitation.

9.2 Sexual Exploitation

Child sexual exploitation is one of the most severe forms of violence against children. It deeply violates the dignity, integrity, and basic rights of both girls and boys. International law recognizes its seriousness. *For example*, the UN Convention on the Rights of the Child (UNCRC) refers broadly in its Article 34 to “all forms of sexual exploitation and sexual abuse.”¹² Regional instruments behave similarly like ‘The African Charter on the Rights and Welfare of the Child’ (ACRWC) also speaks in general terms about “all forms of sexual exploitation and sexual abuse,”¹³ as does the Lanzarote Convention. More specifically, UNCRC Article 34 spells out some forms of exploitation, such as using children in prostitution or in other illegal sexual activities, and involving children in pornographic performances or materials.¹⁴

¹¹United Nations Office on Drugs and Crime. (2015). *Assessment toolkit: Trafficking in persons for the purpose of organ removal*. United Nations.

¹² United Nations. (1989). *Convention on the Rights of the Child*, art. 34

¹³ African Charter on the Rights and Welfare of the Child, Article 27: Sexual Exploitation. (1990)

¹⁴ Das, S., & Azad, S. (2024). Analytical study on child trafficking in India and strategies for prevention and rehabilitation. *Journal of Critical Reviews*, 11(5), 6737–6744.

Child trafficking for sexual exploitation represents one of the gravest violations of children's rights in the modern world. Traffickers target children because of their vulnerability, poverty, lack of protection, or social marginalization, and then transport, recruit, or harbor them for the purpose of exploitation. Unlike adults, where questions of consent can complicate legal processes, international law makes it clear that the consent of a child is irrelevant in cases of trafficking.¹⁵ This is because children cannot meaningfully agree to situations that inherently endanger their well-being and dignity.

10 Child trafficking in India with respect to:

10.1 Organ Trafficking:

Child trafficking for organ removal in India is a grave human rights violation that exposes children to exploitation at the intersection of poverty, crime, and weak enforcement. Children are targeted because of their vulnerability, missing or runaway children, those from poor or marginalized families, and those with limited protection are particularly at risk. Traffickers lure or abduct them with false promises of work, education, or support, only to subject them to illegal organ removal for profit. This form of trafficking underscores the deep connection between socio-economic vulnerability and organized crime. Children from impoverished backgrounds, marginalized communities, or those who go missing are at particular risk of being drawn into networks that exploit them for organ removal. Traffickers often operate in collaboration with corrupt intermediaries and unregulated medical practitioners, which allows these illegal operations to flourish despite existing laws. Addressing this issue requires a multifaceted response: stronger monitoring of hospitals and transplant centers to prevent illicit surgeries, strict enforcement of anti-trafficking provisions under the Indian Penal Code and the Juvenile Justice Act, as well as rigorous implementation of the Transplantation of Human Organs and Tissues Act. Community awareness and grassroots interventions are equally important, as vulnerable families are often deceived with false promises of employment or financial assistance. Children are trafficked for illegal activities such as begging and organ trade. Very often children are maimed and forced to beg in religious places. The traffickers collect huge money from child beggars and spread their illegal empire throwing laws, values and human dignity to wind. The traffickers get protection from political leaders by contributing

¹⁵ United Nations. (2000). *Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organized Crime*. United Nations Treaty Series, 2237, 319.

huge money to party election fund. They also bribe enforcement agency. The cruel traffickers sell organs of the children in big private hospitals.¹⁶

10.1.1 Data Analysis of NHRC Report: Every year in India, thousands of children go missing, leaving families devastated and vulnerable communities further at risk. According to a 2005 report by the National Human Rights Commission (NHRC), nearly 44,000 children are reported missing annually, and around 11,000 of them remain untraced. In just one year, Uttar Pradesh alone recorded 1,914 missing children, but police were able to trace only 1,036 of them. Media reports, such as one by *DNA*, indicate that the number of missing children has increased by nearly 84% compared to previous years. The NHRC report further highlights a disturbing link between missing children and organ trafficking.¹⁷ Data from Uttar Pradesh's Anti-Human Trafficking Unit suggests that only about 30% of missing persons are ever officially reported, leaving the actual scale of the problem largely unknown. Uttar Pradesh's 619 km porous border with Nepal makes children particularly vulnerable to cross-border trafficking. Although the Transplantation of Human Organs (Amendment) Act, 2011 regulates organ donation and transplantation in India, the gap between the demand for organs and their legal supply fuels a thriving underground trade. Children, being the most vulnerable group, are often targeted.¹⁸

This illegal trade operates as an organized business, benefiting traffickers in multiple ways. After organs are taken from victims, many children are forced into begging, hard labour, or even prostitution. Reports of high-level involvement of medical practitioners in illegal transplants make the issue even more alarming. Clearly, organ trafficking does not exist in isolation, it thrives on human trafficking networks, with children at the centre of this exploitation.

10.2 Sexual Exploitation

In India, children of both genders are increasingly being drawn into trafficking networks that force them into various forms of sexual exploitation. Many are transported to urban centres where they are pushed into prostitution under coercion or false promises. Research supported

¹⁶ Das, S., & Azad, S. A. K. (2024). Child trafficking in India. *Azerbaijan Pharmaceutical and Pharmacotherapy Journal*, 23(4), 72–75.

¹⁷ National Human Rights Commission. (2005). *Report on trafficking in women and children in India*. National Human Rights Commission, India.

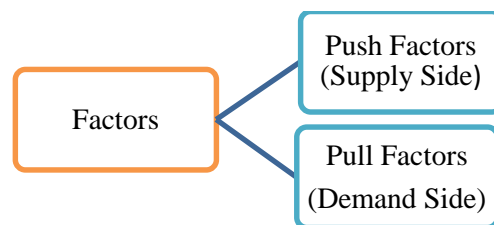
¹⁸ Uttar Pradesh Police. (n.d). *Anti-Human Trafficking Unit (AHTU)*. Government of Uttar Pradesh.

by the Ministry of Women and Child Development (MWCD) estimates that nearly 3 million individuals are engaged in prostitution across the country, with about 40% of them being children. This reveals a shocking reality in which minors, particularly young girls, are in high demand due to their vulnerability and the false perception of them being “disease-free.”¹⁹

Traffickers also prey upon the desperation of impoverished parents, luring them with fraudulent promises of marriage alliances for their daughters, only to traffic these girls across state borders into prostitution. Tribal areas, like those in Odisha, remain hotspots for such activities, where traffickers exploit poverty and lack of awareness. Child trafficking in India is not limited to prostitution alone—it has expanded into other disturbing forms of exploitation. A growing number of children are coerced into the production of child pornography, often filmed and distributed through underground and online platforms. The rapid spread of internet access has made children more vulnerable to sexual abuse material, grooming, and exploitation for profit. Many minors are also subjected to sexual slavery, forced participation in sex tourism, and exploitation in illicit massage parlours or escort services. In some cases, boys too are trafficked, facing abuse in pornography, paedophile rings, or as victims of same-sex exploitation, an issue often silenced by social stigma. This wide range of exploitation highlights the complex nature of child trafficking in India, where poverty, harmful traditions, weak law enforcement, and the high demand for commercial sex combine to make children the most vulnerable targets. Tackling this crisis requires not only stronger laws and enforcement but also a shift in societal attitudes that allow such crimes to continue under the surface.

11. Driver and Supply Demand Mechanism:

Children in India are often caught in a web of exploitation due to a combination of socio-economic “push” and “pull” factors and these factors make them vulnerable to trafficking.



11.1 Push Factors: Children in India are increasingly caught in a web of exploitation due to a combination of socio-economic **push factors**. **Poverty and economic hardship** are the most

¹⁹ Das, S., & Azad, S. (2024). *Analytical study on child trafficking in India and strategies for prevention and rehabilitation*. *Journal of Critical Reviews*, 11(5), 6737–6744.

significant drivers, as families living in extreme deprivation may be lured by deceptive offers, forced into debt bondage, or even compelled to sell their children to survive, while inadequate social protection systems amplify these²⁰. **Social exclusion and discrimination** also play a crucial role because children belonging to marginalized castes, minority communities, or those with disabilities, as well as girls facing gender-based discrimination, often have reduced access to education, healthcare, and other essential services, making them easy targets for traffickers. **Migration and displacement** act as another push factor reason being Children who migrate with their families for seasonal labor, or those displaced due to conflict, natural disasters, or internal migration, are frequently separated from protective networks, which increases their risk of falling into traffickers' hands. **Family breakdown and abandonment** further exacerbate the situation. Orphaned children, those with parents struggling with addiction, illness, or extreme poverty, face neglect and lack of supervision, leaving them highly vulnerable to recruitment into trafficking networks. These push factors operate collectively, creating an environment in which children are systematically exposed to exploitation, whether for forced labor, sexual exploitation, or other forms of abuse.²¹

11.2 Pull Factors (Demand Side): On the **demand side**, or “pull” factors, traffickers exploit lucrative markets that thrive on the vulnerabilities created by poverty, discrimination, and family instability. **Medical demand for organs** is a major pull factor, shortages of legally donated organs, combined with the rise of transplant tourism, have created a profitable black market where brokers and traffickers target children from impoverished or marginalized families²². **Commercial sexual exploitation** is another significant pull factor. Both in-person and online sexual abuse of children has intensified due to rising global demand, the expansion of internet access, live-streaming platforms, and hidden online networks. Traffickers increasingly use technology to recruit children, advertise them for sexual exploitation, and profit from child pornography and prostitution. Online grooming, coercion, and distribution of sexual abuse material make children highly vulnerable to repeated abuse.²³

²⁰ International Labour Organization. (2022). *Child trafficking and exploitation: Global trends and socio-economic drivers*. International Labour Organization

²¹ International Labour Organization. (2022). *Child trafficking and exploitation: Global trends and socio-economic drivers*. International Labour Organization

²² United Nations Office on Drugs and Crime. (2022). *Global report on trafficking in persons 2022*. Vienna: UNODC

²³ UNICEF. (2022). *Online sexual exploitation of children in India: Trends and interventions*. UNICEF.

These pull factors are closely interconnected with the push factors. Children from impoverished, marginalized, or disrupted families are disproportionately targeted for sexual exploitation or illegal organ harvesting. In many cases, they endure multiple forms of abuse, including forced prostitution, participation in pornography, labor exploitation, or coerced organ donation. The convergence of high-profit illicit markets and systemic socio-economic vulnerabilities creates a persistent, organized, and deeply entrenched cycle of child trafficking in India, where exploitation continues to expand in both scope and sophistication.

12 Modus Operandi of Trafficking Networks:

12.1 Ways of Recruitment: Trafficking networks in India operate through highly organized and sophisticated mechanisms that exploit both socio-economic vulnerabilities and systemic loopholes. Children are often recruited through deception, coercion, or abduction, with traffickers exploiting poverty, social marginalization, broken families, or the promise of education and employment opportunities. Many networks operate across states and international borders, particularly along porous borders such as those with Nepal and Bangladesh, facilitating cross-border trafficking for sexual exploitation, forced labor, and illegal organ harvesting. According to the National Human Rights Commission (NHRC) report on trafficking in women and children in India, traffickers employ a variety of deceptive and coercive methods to exploit vulnerable individuals.²⁴

12.2. Data Analysis: In a pioneering study on trafficking in women and children in India, the NHRC interviewed 160 traffickers to understand their methods. More than half of the respondents (approximately 52%) admitted to luring victims through promises of employment and financial incentives. Individuals living in extreme poverty are particularly vulnerable to such offers of stable jobs and decent wages²⁵. Traffickers often rely on local networks and contacts to identify factors that heighten a potential victim's vulnerability and tailor their approach accordingly to maximize the likelihood of exploitation.

13 Legal Framework with respect to Global Dimension and Indian

Context:

13.1 International Level:

²⁴ National Human Rights Commission. (2013). *Combating trafficking in women and children: Challenges and remedies*. National Human Right Commission, India

²⁵ National Human Rights Commission. (2005). *Trafficking in women and children in India: A study*. National Human Right Commission, India.

13.1.1 United Nations Convention on the Rights of the Child (UNCRC), 1989

The UNCRC is the foundational international treaty protecting children from exploitation. Article 35 of the convention specifically obliges State Parties to prevent the abduction, sale, or trafficking of children for any purpose. Article 32 addresses child labor and economic exploitation, while Article 34 explicitly requires states to protect children from all forms of sexual exploitation and abuse, including prostitution and pornography. This convention forms the backbone of international law concerning children's rights and guides domestic legislation on child trafficking.²⁶

13.1.2 Optional Protocol to the UNCRC on the Sale of Children, Child Prostitution, and Child Pornography (2000): This protocol expands on the UNCRC by directly addressing the commercial sexual exploitation of children. It criminalizes the sale of children, child prostitution, and child pornography, and mandates preventive measures, protection of victims, and international cooperation. States are required to adopt legislation to prosecute offenders and establish mechanisms for victim rehabilitation.²⁷

13.1.3. United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), 2000: Also known as the Trafficking Protocol, this treaty is linked to the UN Convention against Transnational Organized Crime (UNTOC). Article 3 defines "trafficking in persons," explicitly including children, and prohibits recruitment, transportation, transfer, harboring, or receipt of children for exploitation, regardless of consent. Article 5 and Article 6 oblige states to criminalize trafficking, particularly for sexual exploitation and forced labor. While the protocol does not explicitly mention organ trafficking, its provisions on exploitation of children for profit cover organ trafficking under broader human trafficking regulations.²⁸

13.1.4. Council of Europe Convention on Action against Trafficking in Human Beings (2005)

Although regional, this convention has influenced global standards. Article 18 focuses on protecting and assisting child victims, emphasizing their right to rehabilitation and recovery.

²⁶ United Nations. (1989). *Convention on the Rights of the Child*, art. 34.

²⁷ United Nations. (2000). *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*.

²⁸ United Nations. (2000). *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime*. United Nations.

Article 5 and 6 require states to criminalize trafficking and exploitation for sexual purposes, including pornography. Its preventive measures encourage cross-border cooperation and public awareness campaigns, which are crucial for combating organ and sexual exploitation of children.

13.1.5. Hague Convention on the Civil Aspects of International Child Abduction (1980):

While primarily focused on abduction, the Hague Convention indirectly supports anti-trafficking measures by establishing mechanisms for the prompt return of children wrongfully removed or retained across borders, which can prevent exploitation.²⁹

13.1.6. World Health Organization and Transplantation Guidelines: The WHO Guiding Principles on Human Cell, Tissue, and Organ Transplantation (2010) provide ethical frameworks to combat illegal organ trade. Principle 2 prohibits trafficking and commercial exploitation of human organs, especially from children and vulnerable groups. Countries are encouraged to regulate organ transplantation to prevent trafficking.³⁰

14.2. Indian Legal Framework

14.2.1. The Protection of Children from Sexual Offences (POCSO) Act, 2012: The POCSO Act is a comprehensive legislation enacted to protect children (below 18 years) from sexual abuse, sexual harassment, and exploitation, including pornography. It establishes clear definitions of offenses, procedures for reporting and investigation, and measures to ensure child-friendly judicial processes.

Section 13: Section 13 addresses the criminal act of using a child for pornographic purposes. It prohibits any form of production, publication, distribution, or circulation of sexually explicit material involving children. The scope of this section includes:

- Photographing, filming, or creating any visual depiction of a child in sexually explicit acts.
- Using digital, online, or offline platforms to disseminate such material.
- Any intentional act of encouraging, coercing, or manipulating a child to participate in sexualized performances for pornography.³¹

The primary goal of Section 13 is to protect children from exploitation in pornographic content,

²⁹ Hague Conference on Private International Law. (1980). *Hague Convention on the Civil Aspects of International Child Abduction*.

³⁰ World Health Organization. (2010). *Guiding principles on human cell, tissue and organ transplantation*.

³¹ The Protection of Children from Sexual Offences (POCSO) Act, Act No. 32 of 2012, § 8

recognizing that such material perpetuates abuse, victimizes the child repeatedly, and can be used to groom or traffic children. The law imposes stringent punishments, reflecting the severity of the offense and the long-term harm inflicted on child victims.³²

Section 14: Aggravated Use of a Child for Pornography: Section 14 provides punishment for using child for pornographic purposes. It clearly provides punishment of not less than 5 years and in case of subsequent conviction, the punishment is not less than 7 years.³³

14.2.2. The Juvenile Justice (Care and Protection of Children) Act, 2015: The Juvenile Justice (JJ) Act, 2015 is a comprehensive legal framework in India that focuses on the care, protection, and rehabilitation of children in need, including those who are victims of trafficking, abuse, or neglect. It provides clear mechanisms for the rescue, rehabilitation, and reintegration of children into society while ensuring their safety and rights are prioritized.

Section 2(14): Definition of ‘Child in Need of Care and Protection’: Section 2(14) defines a child in need of care and protection as a child who is vulnerable and unable to protect themselves from harm or exploitation. The definition explicitly includes children who are victims of trafficking, sexual exploitation, forced labor, or any form of abuse. It also covers children who are orphaned, abandoned, or living in environments where their physical, emotional, or psychological needs are unmet.³⁴ This definition is critical because it legally recognizes trafficked and exploited children as individuals requiring special attention and protection under the law. By categorizing these children as being “in need of care,” the Act ensures they are entitled to rescue, rehabilitation, and comprehensive welfare measures rather than being treated as offenders.

14.2.3) The Immoral Traffic (Prevention) Act (ITPA), 1956: The ITPA is a landmark Indian legislation aimed at preventing trafficking for commercial sexual exploitation, rescuing victims, and punishing offenders. It primarily addresses prostitution and the exploitation of women and children.

Section 2(f): Definition of Prostitution: Section 2(f) defines prostitution as engaging in sexual activity for monetary or other material benefits. It also explicitly recognizes trafficking for commercial sexual exploitation, covering the recruitment, transportation, harboring, or procurement of individuals—especially minors—for prostitution. This definition is crucial

³² The protection of children from sexual offences Act (Act 32 of 2012), s. 13

³³ The protection of children from sexual offences Act (Act 32 of 2012), s. 14

³⁴ The Juvenile Justice (Care and Protection of Children) Act, 2015(Act 2 of 2015), s. 2 (f)

because it provides a legal basis to prosecute traffickers and protect children involved in sexual exploitation.³⁵

Section 5: Criminalization of Trafficking, Harboring, and Procuring: Section 5 criminalizes the act of procuring, inducing, or taking a person for prostitution. This includes coercion, deception, or abduction, making it an offense even if the person appears to consent and the person shall be imprisoned for minimum imprisonment of 3 years which can extend upto 7 years. Section 5 targets those who harbor or manage brothels where prostitution occurs, including facilities where children are exploited. Together, these sections ensure that all recruiters, pimps, or brothel owners—are held accountable, closing loopholes that traffickers often exploit.³⁶

Section 21: Rescue, Rehabilitation, and Welfare: Section 8 empowers authorities to rescue victims of trafficking, particularly minors, from brothels, streets, or other places of exploitation. It allows for immediate protective custody to prevent further abuse. Section 9 focuses on rehabilitation and welfare, mandating that rescued children receive shelter, education, vocational training, medical care, and psychological counseling. These sections recognize the holistic needs of child victims, ensuring they are not merely removed from exploitation but supported in rebuilding their lives.³⁷

14.2.4. The Transplantation of Human Organs and Tissues Act (THOTA), 1994, amended 2011: THOTA is India’s primary legislation regulating organ donation and transplantation, aiming to prevent illegal organ trade, especially involving minors or vulnerable individuals.

Section 9(1B): Prohibition of Organ Donation by Minors: Section 9 prohibits the donation of organs by individuals below 18 years of age, except under strictly regulated medical and legal conditions. The section ensures that minors, who are more vulnerable to coercion and trafficking, are protected from exploitation for organ harvesting.³⁸

Section 19–22: Criminalization of Sale or Purchase of Organs: Section 19 criminalizes the sale or purchase of human organs, prescribing imprisonment and fines for offenders. Section 20 to 22 include provisions for penalties on intermediaries, hospitals, and medical professionals who facilitate illegal transplantation. These sections explicitly cover minors and vulnerable populations, recognizing that trafficked children are at high risk for illegal organ extraction.

³⁵The Immoral Traffic (Prevention) Act, Act No. 104 of 1956, § 2(f)

³⁶The Immoral Traffic (Prevention) Act, Act No. 104 of 1956, § 5

³⁷ he Immoral Traffic (Prevention) Act, Act No. 104 of 1956, § 21

³⁸ The Transplantation of Human Organs and Tissues Act, Act No. 42 of 1994, §9(1B)

The law also emphasizes monitoring, investigation, and enforcement to deter organized organ trafficking networks.³⁹

14.2.5. Bhartiya Nyaya Sanhita

Section 143 (Trafficking of a Person): Section 143 of the Bharatiya Nyaya Sanhita (BNS), 2023 comprehensively criminalizes the trafficking of individuals, with a particular focus on children, for exploitative purposes such as sexual abuse, forced labor, and organ trade. The law recognizes the heightened vulnerability of minors and establishes stringent penalties to deter traffickers. Subsection 4 specifies that trafficking a child below 18 years carries a minimum sentence of 10 years of rigorous imprisonment, which may extend up to life imprisonment, along with a monetary fine, reflecting the serious nature of exploiting minors. Subsection 5 increases the severity for traffickers who exploit multiple children, prescribing a minimum of 14 years of rigorous imprisonment, extendable to life, with an additional fine, acknowledging the compounded harm caused by targeting more than one minor. Subsection 6 addresses repeat offenders, mandating life imprisonment for those convicted of trafficking children multiple times, emphasizing that persistent perpetrators pose a severe threat to society and should face the harshest penalties. Subsection 7 further strengthens accountability by holding public servants and police officers who engage in trafficking liable for the maximum punishment, including life imprisonment and fines, recognizing that abuse of official authority to facilitate trafficking undermines public trust and aggravates the exploitation⁴⁰. Collectively, Section 143 establishes a robust legal framework aimed at both punishing offenders and protecting vulnerable children from systemic exploitation.

Section 141: This section specifically addresses the transnational dimension of child trafficking by criminalizing the importation of a girl or boy from a foreign country for the purpose of illicit sexual exploitation. This provision recognizes that children are often targeted across borders by organized trafficking networks seeking to profit from commercial sexual exploitation, including forced prostitution, pornography, and other forms of sexual abuse. The law establishes a minimum punishment of 10 years of rigorous imprisonment, which may be extended to life imprisonment depending on the severity of the offense, accompanied by a monetary fine. By doing so, Section 141 not only imposes stringent penalties on traffickers but also underscores the seriousness of exploiting children across international boundaries⁴¹. The

³⁹ The Transplantation of Human Organs and Tissues Act, Act No. 42 of 1994, §§ 19–22.

⁴⁰ Bhartiya Nyaya Sanhita, Act 45 of 2023, § 143

⁴¹ Bhartiya Nyaya Sanhita, Act 45 of 2023, § 144

provision is particularly significant because it targets organized criminal networks and discourages cross-border trafficking, ensuring that both the traffickers and those facilitating such crimes are held accountable. It reflects a commitment to protecting children from severe abuse and to aligning domestic legal measures with global standards for combating transnational trafficking and sexual exploitation.

Section 144: This section focuses on the exploitation of trafficked individuals, with particular attention to the heightened vulnerability of children. The law criminalizes engaging trafficked persons in sexual exploitation, recognizing that abuse often continues even after the initial act of trafficking. Subsection 1 establishes that using a trafficked child below 18 years for sexual exploitation carries a minimum sentence of 5 years of rigorous imprisonment, which may be extended up to 10 years, along with a fine, reflecting the severe harm inflicted on minors. Subsection 2 broadens the scope to include any trafficked person, prescribing a minimum imprisonment of 3 years, extendable to 7 years, plus a fine, thereby addressing exploitation beyond minors while maintaining significant legal deterrence⁴². Collectively, Section 144 ensures that traffickers, exploiters, and intermediaries are held accountable not only for the act of trafficking but also for the ongoing abuse of their victims, emphasizing the law's commitment to protecting vulnerable individuals from continued sexual exploitation.

12. Challenges in Preventing the Child Trafficking:

12.1. Porous borders, migration and displacement: Where borders are open or poorly monitored and where people move frequently (seasonal work, migration, or as refugees), children can be separated from protective adults and moved quickly across jurisdictions. In South Asia, for example, long open stretches of border with neighboring countries have been repeatedly cited as corridors exploited by traffickers to move children for sexual exploitation or organ-for-hire schemes. Cross-border flows complicate investigation, rescue, and repatriation, and make coordinated bilateral enforcement and victim-protection systems essential.⁴³

12.2. The hidden, clandestine nature of the crime: Both organ-removal trafficking and many forms of sexual exploitation are built to be invisible: victims are concealed in private homes, informal clinics, or on encrypted online platforms; brokers burn contacts quickly and victims

⁴²Bhartiya Nyaya Sanhita, Act 45 of 2023, § 141.

⁴³ World Bank. (2022). *Toolkit for mitigating human trafficking in relation to enhanced road connectivity in Nepal*. World Bank.

are moved in small groups via informal routes. That secrecy makes measurement, detection and prosecution hard and official numbers almost certainly undercount true scale, and myths (e.g., “kidney theft in bathtubs”) often distract from the more complex, covert realities investigators must uncover.

12.3. Technological facilitation and online exploitation: The internet, social media and live-streaming platforms have dramatically widened traffickers’ reach as they can groom children, advertise abuse, sell or livestream child sexual abuse material, and coordinate cross-border transactions with less risk. Encrypted messaging, rapid content re-uploading and anonymous payment systems further complicate policing. At the same time, technology can help (digital tips, image hashing, platform takedowns), but law enforcement and tech companies must work faster and smarter to keep up.⁴⁴

12.4. Inadequate victim protection, rehabilitation and long-term support: Rescue is only the first step. Many jurisdictions lack enough child-safe shelters, trauma-informed mental-health care, medical follow-up (critical in organ-trafficking cases), legal aid, education or livelihood services. Delays or gaps in compensation, inconsistent reintegration programs, and poor case management increase the chance that a rescued child will be re-trafficked or suffer long-term harm. Effective prevention therefore requires robust, well-funded post-rescue services and monitoring.⁴⁵

13. Conclusion:

Child trafficking for organ trade and sexual exploitation is far more than a violation of individual rights, it is a profound socio-economic crime that undermines the very fabric of society. This exploitation is fueled by poverty, inequality, and systemic gaps that leave children vulnerable, while the constant global demand for organs and commercial sex sustains these networks. In such systems, children are dehumanized and treated as commodities, trapped between economic desperation and criminal profiteering. Viewing trafficking through the lens of socio-economic crime makes it clear that effective solutions must go beyond legal punishment; they must also target root causes such as poverty, social exclusion, corruption, and lack of access to basic services like healthcare and education. Alongside stronger national and

⁴⁴ UNICEF. (2021). *Ending online child sexual exploitation and abuse*. UNICEF.

⁴⁵ National Human Rights Commission (India) (2020). *Rehabilitation of victims of human trafficking: A study* (report). National Human Right Commission, India

international laws, transparent governance, and active community engagement are critical to dismantle these cycles of abuse. Ultimately, safeguarding children is not only a matter of justice—it is a shared moral duty, as their safety and dignity form the cornerstone of a fair and humane society.

14. Suggestions:

1. To stop organ trafficking, the organ transplant system must be open and closely watched. This means keeping a national list of all donors and patients so every case can be tracked, having special independent committees check and approve every live organ donation, and making sure hospitals and doctors are regularly inspected. If doctors or hospital staff are caught helping in illegal transplants, they should face strong punishments like losing their medical license or going to jail. When rules are strict and followed properly, it becomes very hard for traffickers to secretly use children as “donors,” and it also discourages medical professionals from taking part in such crimes.
2. Since organ and sex trafficking often involve moving children across states or even countries, it’s important for neighboring nations to work together closely. Governments can sign agreements that allow them to quickly share information, carry out joint investigations, send rescued children back to their families safely, and hand over traffickers to face justice. At border checkpoints, officers should be trained to notice signs of trafficking, use proper tools like biometric checks or document verification where it’s legal, and have access to hotlines to report and act on suspicious cases right away. When countries cooperate like this, traffickers lose the safe routes and loopholes they usually depend on.
3. Strong action against child trafficking can only happen if we have honest systems and reliable information. Governments should set up a single database that records cases of missing children, trafficking investigations, court trials, and transplant procedures in a safe and anonymous way. This information should be made available to the public through regular reports, and independent groups should review it to ensure accuracy. At the same time, protections must be given to doctors, officials, or staff who come forward to expose illegal activities, so they are not punished for speaking out. When data is clear and corruption is tackled, it becomes easier to see trafficking patterns, measure whether policies are working, and make sure both institutions and individuals are held responsible.

4. Since traffickers now use social media, chat apps, and live-streaming platforms to lure or exploit children, technology must be part of the solution. Governments should work closely with tech companies to quickly detect and remove harmful content like child sexual abuse material or illegal transplant ads. Tools like image-matching, account tracking, and easy-to-use reporting systems can help stop these crimes before they spread. At the same time, investigations should respect people's privacy and follow proper legal steps so that evidence is strong and fair.
5. Frontline workers like police, doctors, teachers, and social workers are often the first to come across trafficked children, so giving them proper training is key. They should learn how to recognize warning signs whether it's injuries from organ removal, signs of sexual abuse, or unusual behavior and know how to respond safely without causing further trauma. Clear guidelines and regular practice drills can help them act quickly, protect the child, and secure evidence the right way.

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