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A CRITICAL ANALYSIS OF CHILD TRAFFICKING IN INDIA

AUTHORED BY – BANDARI. DIVYA¹

ABSTRACT:

Human trafficking, particularly child trafficking, is a critical issue in India. Children are the most vulnerable targets of violence. Child trafficking has been one of the growing issues but it is the least reported cases in India. The technological development has also led to online child trafficking through various online platforms. On the other hand, social media has become one of the essential tools where child violence are addressed and discussed about. This paper provides a comprehensive overview of the nature and extent of child trafficking in India, identifying key factors such as poverty, migration, tourism, and religious prostitution that contribute to this modern form of slavery. The study analyzes data from the National Crime Record Bureau, highlighting a troubling rise in reported cases of trafficking, with significant instances occurring under various legal provisions including the Immoral Traffic (Prevention) Act and sections of the Indian Penal Code. It discusses the diverse forms of exploitation faced by trafficked children, including forced labor, sexual exploitation, and organ trade, emphasizing the severe violation of human rights inherent in these practices. The main objective of the study is to develop in-depth knowledge about the intervention of technological advancement in child trafficking issues. This paper reflects the nature of occurrence, causes and reason behind child trafficking as well as the preventive measures. The paper critiques the existing legal framework, noting the inadequacies in enforcement and prevention measures, and suggests actionable reforms to enhance protective mechanisms for vulnerable populations. Ultimately, it calls for collective responsibility among citizens and authorities to combat this heinous crime and restore the dignity and rights of children in India.

Keywords:- Human Trafficking, Migration, Slavery, Child Trafficking, Human Rights, Vulnerable, Exploitation.

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1. INTRODUCTION:

Human trafficking, recognized as one of the gravest human rights violations, remains a pervasive and complex crisis affecting millions globally. Defined as the act of recruiting, transporting, transferring, harboring, or receiving individuals through coercion, force, deception, or abuse of vulnerability for purposes of exploitation, this crime involves virtually every nation as either an origin, transit, or destination. Particularly distressing is the trafficking of women and children, often exploited for forced labor, sexual slavery, begging, drug trafficking, organ trade, and even in sports and entertainment. In recent years, human trafficking has surged to rank as the third largest organized crime globally, following arms and drug trafficking, and is estimated to generate billions of dollars annually. Approximately 600,000 to 800,000 women and children are trafficked internationally each year, with many more victims trafficked within their own countries.

Child trafficking is defined as the “recruitment, transportation, transfer, harbouring or receipt” of a child for purpose of exploitation. Child trafficking in India remains an ongoing crisis, exploiting the vulnerabilities of children from socioeconomically disadvantaged backgrounds. The widespread access to technology and the internet, especially in urban and semi-urban areas, has created new avenues for traffickers to exploit children and reach victims more easily. However, technology also offers opportunities to prevent trafficking and support rescue efforts. This research paper explores the dual role of technology in aggravating child trafficking and its potential in offering innovative solutions to counter this crisis.

The dual role of technology in both exacerbating and potentially mitigating child trafficking is central to this research. This study examines the prevalence and forms of child trafficking within India, considering regional data, underlying causes, and the impacts on victims. It also delves into technology’s potential to fight trafficking, showcasing tools like Spotlight, which uses online tracking methods to detect cases of child sex trafficking, and discusses social media’s critical role in awareness and advocacy. By analyzing child trafficking through the lens of technological and social media engagement, this paper aims to offer a comprehensive view of the current crisis, the role of digital platforms, and the pathways toward meaningful intervention.

1.1 ELEMENTS OF HUMAN TRAFFICKING:

On the basis of the definition given in the Trafficking in Persons Protocol, it is evident that trafficking in persons has three constituent elements: -

1. The Act (What is done) – Recruitment, transportation, transfer, harbouring or receipt of persons.
2. The Means (How it is done) – Threat or use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.
3. The Purpose (Why it is done) – For exploitation, which includes exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs.

2. LITERATURE REVIEW:

Historical Perspective of Child Trafficking in India: Discuss the history and evolution of child trafficking in India and its correlation with societal issues like poverty, migration, and regional disparities. Globalization and Technological Impact: Review existing studies on how globalization has contributed to trafficking while also offering tools for monitoring and combating it. Studies on Social Media's Role: Summarize research that explores the positive side of technology—social media's role in advocacy, awareness, and prevention.

3. MAJOR REASONS FOR CHILD TRAFFICKING IN INDIA:

Child trafficking in India is fueled by various interconnected factors:

1. Demand for Cheap Labor and Sexual Exploitation: Industries such as agriculture, construction, and domestic work create a significant demand for child labor, alongside commercial sexual exploitation, driving trafficking practices.
2. Social Inequalities and Discrimination: Marginalized communities, particularly those facing social discrimination, are disproportionately affected by child trafficking.
3. Poverty and Economic Opportunities: Families living in poverty are particularly vulnerable, often lured by traffickers promising a better future for their children.
4. Illiteracy and Lack of Awareness: Limited education and awareness about trafficking risks increase vulnerability among individuals and communities.
5. Cultural Practices: Certain regions still practice the selling of children to brothels, often under traditional customs like Jogin and Devadasi, where young girls are dedicated to deities, perpetuating trafficking.

6. **Profitability of Trafficking:** Child trafficking has become the third most profitable criminal industry globally, following drug and arms trafficking. The potential for high financial returns with minimal investment makes it an appealing venture for criminal organizations.

4. TYPES OF CHILD TRAFFICKING:

Child trafficking encompasses several forms of exploitation, each driven by different economic, social, and criminal factors. Types of child trafficking as follows:

1. Sex-Trafficking:

Children are trafficked for sexual exploitation, including forced prostitution and child pornography. Traffickers target vulnerable children, often manipulating them with promises of employment or safety, only to trap them in exploitative situations. The internet and social media have intensified this issue, enabling traffickers to target and groom children more effectively.

2. Labor Trafficking:

The children are forced into various forms of work, often in hazardous conditions and without any legal protections. This includes domestic work, construction, agriculture, factories, and even mining. Children in these situations endure long hours, minimal pay, and harsh treatment, with limited or no access to education and healthcare.

3. Child Soldiering:

The children are forcibly recruited by armed groups and used as soldiers, messengers, spies, or even as human shields. This form of trafficking is particularly devastating as it strips children of their childhood and exposes them to severe violence, trauma, and human rights abuses.

4. Forced Begging:

Children are trafficked into forced begging rings, where they are forced to beg on the streets for the benefit of their traffickers. Often, traffickers exploit children with disabilities, and they may intentionally harm children to increase sympathy and generate more money.

5. Organ Trafficking:

In this form of trafficking, children are kidnapped or sold for the purpose of organ harvesting. Traffickers illegally remove organs like kidneys, livers, and hearts, which are then sold on the black market for transplant surgeries. This form of trafficking is often underreported due to its highly covert nature.

6. Forced Marriage:

Child marriage is a prevalent form of child trafficking where minors, predominantly girls, are coerced into marriage, often with adults. These forced marriages expose children to a range of abuses, including sexual violence, domestic servitude, and deprivation of education and personal autonomy.

7. Drug Trafficking:

Children are sometimes exploited by criminal organizations to carry or sell drugs due to their perceived "innocence," which makes them less likely to be suspected by law enforcement. This form of trafficking places children in dangerous environments and leads to their criminalization instead of treating them as victims of exploitation.

8. Trafficking for Adoption:

Children are trafficked for illegal adoptions where traffickers may kidnap or buy children to place them in adoptive homes, often for profit. This type of trafficking takes advantage of families seeking children for adoption, bypassing legal adoption processes and child welfare standards.

5. CAUSES AND ITS CONSEQUENCES:

Poverty is a primary factor contributing to child trafficking in India, often forcing economically disadvantaged families to abandon or sell their children to traffickers. This issue is especially severe in regions impacted by natural disasters, where families face increased vulnerability. Illiteracy and lack of education further exacerbate this vulnerability, making families more susceptible to exploitation. Additionally, children whose births are unregistered and those subjected to early marriages are among the most at risk, as these marriages can serve as a disguise for trafficking activities.

Trafficked children endure various forms of abuse and neglect, including physical, sexual, and

emotional harm, which traffickers use to maintain control. Many children face severe neglect, emotional isolation from their families and communities, and lack access to education or opportunities for personal development.

They are often trafficked for commercial sexual exploitation or forced labor, including domestic servitude, agricultural work, factory jobs, and even armed conflict. Vulnerable groups, particularly refugees and migrants, are frequently targeted, with traffickers exploiting their aspirations for better lives. In India, child trafficking is exacerbated by poverty, as economically disadvantaged families may feel compelled to abandon or sell their children. Areas affected by natural disasters and families with limited education are especially susceptible, with risks heightened by unregistered births, illiteracy, and early marriages, which can serve as covers for trafficking activities.

Once trafficked, children experience severe abuse, including physical, sexual, and emotional harm, which traffickers use to maintain control. They often face neglect, lack access to education, and suffer emotional isolation due to separation from their families and communities. Many are forced into labor, including domestic servitude, agricultural work, factory jobs, and armed conflicts, and may also be exploited in commercial sex work. Vulnerable groups, particularly refugees and migrants, are prime targets, as traffickers prey on their aspirations for education and a better life. Additionally, many children are coerced into begging and similar activities, perpetuating a cycle of exploitation.

Globally, one in three detected victims of human trafficking is a child, with this figure rising to half in low-income countries, where most children are trafficked for forced labor. Both boys and girls are at risk, but girls are disproportionately targeted, facing long-term consequences from gender inequality and violence. In India, disadvantaged communities are particularly vulnerable to trafficking, as parents are often misled or coerced due to their poor socio-economic conditions, leading them to 'send' or 'sell' their children for promised better livelihood opportunities. Traffickers lure parents with offers of daily wages and transport children to large cities, where they are treated as commodities. The NGO KSCF is actively working to address child trafficking in India, seeking support to prevent and combat this issue.

6. FACTS AND STATISTICS ABOUT CHILD TRAFFICKING

IN INDIA:

Child trafficking is a serious concern in India, though the hidden nature of the crime makes exact statistics difficult to capture. However, studies and reports provide insight into its widespread impact. Data from the National Crime Records Bureau (NCRB) recorded 3,466 cases of child trafficking in 2019. Globally, UNICEF reports that approximately 1.2 million children fall victim to trafficking each year, with India serving as a source, transit, and destination for trafficked children. In India, child trafficking predominantly involves forced labor, sexual exploitation, child marriage, and domestic servitude, with the highest numbers reported in states like West Bengal, Bihar, Uttar Pradesh, and Maharashtra.

5.1 Child Trafficking of India:

S.No.	Year	Victims rescued (below 18 years)
1	2018	2484
2	2019	2746
3	2020	2151
4	2021	2691
5	2022	3098
6	2023	3386

The National Crime Records Bureau (NCRB) compiles crime statistics reported to it by the States and Union Territories (UTs) and publishes the same in its annual publication 'Crime in India'. The latest published report is of the year 2022. The data on the number of victims trafficked (below 18 years) during the last five years does not show any consistent trend of increase in the numbers.

The number of victims rescued (below 18 years) during the last five years are given below:

'Police' and 'Public Order' are "State-List" subjects under the Seventh Schedule to the Constitution of India. The responsibility for preventing and countering the crime of child trafficking primarily vests with respective States/UTs, who are competent to deal with such offences under the extant provisions of law.

However, the Government of India also supplements the efforts of the States/UTs in this regard by providing them guidelines on preventing and countering human trafficking including child trafficking in the form of various advisories issued from time to time. The Ministry has

provided financial assistance to all States/UTs for upgrading/setting up Anti Human Trafficking Units (AHTUs) covering all Districts of States/UTs. Advisories have been issued to establish an institutional mechanism at all levels of the State/UT - State Headquarter level, District level and Police Station level with a view to address the issue of human trafficking in a comprehensive manner. The Ministry has also been assisting the States/UTs in holding 'State level conferences' and 'Judicial Colloquiums' with a view to sensitizing the Police/Law officers about the latest initiatives/developments for addressing the issue of human trafficking in a focused and efficient manner.

Specific information in this regard is not reported by the National Crime Records Bureau. This was stated by the Minister of State for Home Affairs, Shri Bandi Sanjay Kumar in a written reply to a question in the Lok Sabha.

7. THE INTERNATIONAL CONVENTION ON THE RIGHTS OF THE CHILD (1989):

It was the first binding document to guarantee civil, cultural, political, and economic rights for children, highlighting non-discrimination and prioritizing their best interests. The UN introduced an Optional Protocol in 2002 to address child trafficking, prostitution, and pornography, which India ratified in 2005.

The UN Convention against Transnational Organized Crime (2000) and its Palermo Protocol (2003) provided the first international definition of trafficking, focusing on exploitation through force, coercion, fraud, or deception. India signed these agreements in 2002 but has not ratified them. Additionally, India has ratified the International Covenant on Civil and Political Rights (1966) and signed the Convention Against Torture (1984), both emphasizing the protection of children's rights. Although a member of the International Labour Organization (ILO), India has not ratified the ILO's Convention on the Worst Forms of Child Labour (1999), which classifies child trafficking as severe child labor and calls for its elimination.

8. LEGAL PROVISION OF CHILD TRAFFICKING IN INDIA:

Indian laws do not have a legal definition of child trafficking. The Immoral traffic (Prevention) Child Trafficking Indian laws currently lack a specific legal definition for child trafficking. The Immoral Traffic (Prevention) Act addresses trafficking only for prostitution of minors.

Other laws, such as the Juvenile Justice Act (2000), the Andhra Pradesh Devadasi's (Prohibition of Dedication) Act (1988), and the Bombay Prevention of Begging Act, provide mechanisms to combat child trafficking. The Kailash Satyarthi Children's Foundation is advocating for the urgent passage of the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, which aims to create comprehensive legislation against trafficking in India. The Immoral Traffic (Prevention) Act, 1956 serves as the primary law for preventing commercial sexual exploitation.

The Criminal Law (Amendment) Act, 2013 revised Section 370 of the Indian Penal Code, introducing Sections 370 and 370A to establish comprehensive measures against human trafficking, including for children's exploitation in various forms, such as sexual exploitation, slavery, and forced organ removal. The Protection of Children from Sexual Offences (POCSO) Act, 2012 specifically protects children from sexual abuse, defining various forms of abuse, including penetrative and non-penetrative assault.

Other significant legislation addressing trafficking includes the Prohibition of Child Marriage Act (2006), the Bonded Labour System (Abolition) Act (1976), the Child Labour (Prohibition and Regulation) Act (1986), and the Transplantation of Human Organs Act (1994), along with specific sections of the IPC (Sections 372 and 373) regarding the selling and buying of girls for prostitution. Additionally, state governments have implemented laws to tackle human trafficking, such as the Punjab Prevention of Human Smuggling Act (2012).

1. Immoral Traffic (Prevention) Act (1956): Primarily targets trafficking related to commercial sexual exploitation, though it does not comprehensively address all forms of trafficking.
2. Child Labour (Prohibition and Regulation) Act (1986): Prohibits child employment under specific conditions but lacks effective enforcement, particularly in informal sectors where child labor persists.
3. Protection of Children from Sexual Offences (POCSO) Act (2012): Covers sexual exploitation and abuse, including trafficking for such purposes, and mandates special protections and support mechanisms for victims.
4. Need for Technologically Integrated Policies
5. While current laws establish a foundation, updates incorporating technology-driven policies are essential, including:

6. **Cybercrime Task Forces:** Specialized units within law enforcement should be established to monitor online activities, track traffickers, and address digital exploitation cases.
 - a) **Collaboration with Tech Companies:** Government partnerships with technology companies can facilitate monitoring of platforms, identification of trafficking patterns, and swift removal of exploitative content.
 - b) **Enhanced Digital Literacy Programs:** Educating children and families about online safety and digital literacy can prevent online recruitment by traffickers and increase awareness of risks associated with digital interactions.
1. **Protection of Children from Sexual Offences (POCSO) Act, 2012:** This act addresses sexual offenses against children under 18, providing a comprehensive legal framework with clear definitions of offenses like "penetrative sexual assault" and "sexual harassment." It mandates child-friendly procedures during investigations and trials, including the appointment of Special Public Prosecutors and Special Courts for expedited justice. Additionally, the POCSO Act enforces special protections for cases involving authority figures, such as police officers and public servants, ensuring children's rights and safety are prioritized throughout the legal process.
2. **Bonded Labor System (Abolition) Act, 1976:** This act prohibits bonded labor, often linked to child trafficking, and requires the rehabilitation of rescued individuals to break cycles of exploitation.
3. **Immoral Traffic (Prevention) Act (ITPA), 1956:** Targeting commercial sexual exploitation, this law criminalizes trafficking for such purposes and includes provisions for victim rescue, rehabilitation, and repatriation, supporting the reintegration of survivors.
4. **Juvenile Justice (Care and Protection of Children) Act, 2015:** This act emphasizes the care, protection, and rehabilitation of children, with specific measures aimed at preventing trafficking and ensuring the welfare of minors in vulnerable situations.

9. IMPACT OF TECHNOLOGY ON CHILD TRAFFICKING

IN INDIA:

8.1 Technology as a Facilitator of Child Trafficking:

The rise of digital tools has provided traffickers with new ways to recruit, exploit, and control victims. Key methods include:

1. **Online Recruitment and Grooming:** Traffickers use social media and messaging platforms to directly target children, often creating fake profiles or promising job opportunities to lure them in.
2. **Digital Exploitation and Abuse:** Traffickers can distribute images and videos of exploited children online for commercial purposes, thereby increasing the demand for child pornography.
3. **Communication and Control:** Encrypted messaging apps and mobile phones enable traffickers to communicate undetected and maintain control over victims, making it difficult for law enforcement to track them and locate victims.

8.2 Technology as a Tool for Combating Child Trafficking:

While technology has facilitated trafficking, it also offers critical resources for prevention and intervention:

1. **Data Analytics and AI:** AI-driven analytics can uncover trafficking patterns, identify suspicious online behavior, and assist in investigations. Predictive tools help authorities pinpoint potential trafficking hotspots and networks.
2. **Facial Recognition and Biometrics:** These technologies allow law enforcement to track missing children and reunite them with families, particularly in urban areas where trafficked individuals may be relocated.
3. **Public Awareness and Digital Campaigns:** Online platforms provide NGOs and government agencies a means to raise awareness and educate the public about the risks of child trafficking. Social media campaigns can effectively disseminate information on prevention.
4. **Hotlines and Reporting Mechanisms:** Technology facilitates anonymous reporting of suspected trafficking cases through hotlines, mobile apps, and websites, empowering communities to take an active role in addressing trafficking activities.

10. CHALLENGES AND POLICY RECOMMENDATIONS

9.1 Challenges in Implementation:

Challenges in combating child trafficking in India include limited resources for enforcement, systemic corruption, and the vast informal sector where trafficking often goes undetected. Furthermore, rural regions often lack the technology and internet access needed to leverage digital tools in anti-trafficking efforts.

9.2 Recommendations

To enhance anti-trafficking efforts, the following steps are recommended:

1. **Strengthening Cyber Laws and Enforcement:** India should enhance its cyber laws specifically related to online trafficking and exploitation and increase funding for digital forensic units.
2. **Expanding Digital Education Programs:** Awareness campaigns focusing on digital safety and the risks of trafficking should be implemented in schools, especially in high-risk areas.
3. **Improving Victim Support Services:** Technologies such as anonymous reporting apps and online counseling resources should be expanded to support victims and provide a safer reporting mechanism for trafficking cases.
4. **International Cooperation:** India should strengthen its cooperation with other countries and international organizations to tackle cross-border trafficking, especially as traffickers increasingly use global platforms.
5. **Technology-Driven Data Collection and Analysis:** An integrated, technology-based system for tracking, recording, and analyzing child trafficking cases across India would enable more effective and responsive policy making.

11.SUGGESTIONS:

To effectively combat child trafficking in India, a **multi-faceted approach** involving various stakeholders is required

1. **Improve socioeconomic conditions:** Address **poverty and unemployment** through poverty alleviation programs, skill development initiatives, and social welfare schemes
2. **Strengthening inter-agency collaboration:** Foster cooperation between government agencies, law enforcement, NGOs, and international organizations to enhance information sharing and joint operations.
3. **International cooperation:** Collaborate with other countries to combat cross-border trafficking networks and improve intelligence sharing.
4. **Establish safe migration practices:** Strengthen **regulation of recruitment agencies** and ensure safe migration processes to prevent trafficking during movement.
5. **Enhance victim support and rehabilitation:** Establish comprehensive victim support mechanisms, including **counseling, medical care, and vocational training** for survivors.

6. **Strengthen law enforcement:** Enhance training and capacity building of law enforcement agencies to **effectively investigate and prosecute** child traffickers.
7. **Raise awareness and education:** Conduct awareness campaigns to educate communities about the dangers of child trafficking and promote the importance of education.

12. CONCLUSION

Child trafficking is a **distressing reality** in India, with numerous children falling victim to exploitation and abuse. The major reasons behind child trafficking include poverty, lack of awareness, demand for cheap labor, and sexual exploitation, as well as social inequalities. The Government of India has enacted laws and regulations to combat this heinous crime. Despite the existence of laws and initiatives, the prevalence of trafficking crimes remains alarming.

It is necessary to **enhance community-based interactions and raise awareness** on this issue. Measures such as **community-based rehabilitation programs** and a **review of existing laws to address loopholes** should be taken. Tackling poverty-driven child labor requires **creating more job opportunities** for families, enabling children to attend school. In order to protect victims, prosecute perpetrators, and foster global collaboration, technical assistance, and cooperation need to be strengthened.

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Indian laws do not have a legal definition of child trafficking. The Immoral traffic (Prevention) Child Trafficking Act deals only with trafficking of minors for prostitution. However, other laws are present which can assist in taking action against child trafficking including the Juvenile Justice Act 2000, Andhra Pradesh Devadasi's (Prohibition of Dedication) Act, 1988, Bombay Prevention of Begging Act etc.

Stepping up its fight against the scourge of human trafficking, Kailash Satyarthi Children's Foundation is advocating for the urgent passage of the Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021, which is a comprehensive law on trafficking in India.

The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.

Criminal Law (amendment) Act 2013 has come into force wherein Section 370 of the Indian Penal Code has been substituted with Section 370 and 370A IPC which provides for comprehensive measures to counter the menace of human trafficking including trafficking of children for exploitation in any form including physical exploitation or any form of sexual exploitation, slavery, servitude or forced removal of organs.

Protection of Children from Sexual offences (POCSO) Act, 2012, which has come into effect from November 14, 2012, is a special law to protect children from [sexual abuse](#) and

exploitation. It provides precise definitions for different forms of sexual abuse, including penetrative and non-penetrative sexual assault, sexual harassment.

There are other specific legislations enacted relating to trafficking in women and children Prohibition of Child Marriage Act, 2006, Bonded Labour System (Abolition) Act, 1976, [Child Labour](#) (Prohibition and Regulation) Act, 1986, Transplantation of Human Organs Act, 1994, apart from specific Sections in the IPC, e.g. Sections 372 and 373 dealing with selling and buying of girls for the purpose of prostitution.

State Governments have also enacted specific legislations to deal with the issue. (e.g. The Punjab Prevention of Human Smuggling Act, 2012)

