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Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

W H I T E   B L A C K  
L E G A L

# **CAUSES AND CONSEQUENCES OF CHILD TRAFFICKING IN INDIA: A CRITICAL STUDY**

AUTHORED BY - MS. SHWETA SINGH<sup>1</sup>,  
CO- AUTHORED - DR. SEEMA MODI<sup>2</sup>

## **ABSTRACT**

Child trafficking in India presents a grave and persistent challenge, implicating multiple socio-economic and legal dimensions. This research paper, titled "Causes and Consequences of Child Trafficking in India: A Critical Study," delves into the multifaceted causes and far-reaching consequences of this pervasive issue. The study identifies poverty, lack of education, social inequality, and inadequate enforcement of child protection laws as primary catalysts fueling the trafficking of children. Additionally, it explores how traditional practices, systemic corruption, and globalization exacerbate the vulnerability of children to traffickers. Employing a critical lens, this research evaluates the effectiveness of existing legal frameworks and government policies aimed at curbing child trafficking. The analysis reveals significant gaps in policy implementation and highlights the need for more robust, child-centric approaches. The paper underscores the psychological, physical, and socio-economic impacts on trafficked children, who often endure severe trauma, exploitation, and deprivation of basic rights. Furthermore, the study examines the role of various stakeholders, including governmental agencies, non-governmental organizations, and international bodies, in combating child trafficking. It advocates for a collaborative approach, emphasizing the importance of community awareness, enhanced law enforcement training, and comprehensive rehabilitation programs for victims. By providing an in-depth critique of the current state of child trafficking in India, this research aims to contribute to the discourse on child rights and protection. It calls for urgent reforms and sustained efforts to create a safer environment for children, ensuring their fundamental rights to freedom, education, and a life free from exploitation are upheld. This study not only sheds light on the critical need for systemic change but also serves as a call to action for all sectors of society to address and eradicate child trafficking in India.

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<sup>1</sup> Research Scholar for Ph.D., School of Law and Constitutional Studies, Shobhit Institute of Engineering and Technology, Meerut, Uttar Pradesh.

<sup>2</sup> Assistant Professor, School of Law and Constitutional Studies, Shobhit Institute of Engineering and Technology, Meerut, Uttar Pradesh.

**KEYWORDS:** vulnerability of children, The Child Labour Protection Act, 1986, The Immoral Traffic (Prevention) Act of 1956, child protection system, juvenile justice, Child Welfare Committee.

## INTRODUCTION

All across the world, children are regarded as the most valuable national resource. Approximately 19% of the world's kid population resides in India. Approximately 440 million people, or more than one-third, of India's population, is under the age of eighteen. Any country's greatest asset is its ability to produce healthy, safe, intelligent, and well-developed children who can go on to become contributing members of society as adults. Children must be cared for since they are a nation's greatest resource for human capital. Their safety and well-being take precedence over anything else. India has made several attempts to raise the standard of living for its youth. In many areas, there has also been significant progress toward guaranteeing children's fundamental rights; nonetheless, considerable work remains. The nation has reaffirmed its commitment to giving the fundamental needs and rights of all of its children priority. The most susceptible group to abuse and exploitation is children. According to estimates, 170 million children in India, or 40% of the country's total, are vulnerable or living in challenging conditions because of their unique social, economic, and geopolitical circumstances.

Many young people and children who live in communities are compelled to endure challenging living conditions. Many kids lack access to sanitary facilities, clean water, or decent homes. A significant number of youngsters labour from an early age, many miss school, and many suffer from chronic ailments. Additionally, a sizable portion of kids regrettably live in really complex situations. These young people are being trafficked or sold for labour or the sex trade, and they are receiving subpar treatment that ranges from egregious neglect to severe kinds of mental, physical, or sexual abuse.<sup>3</sup>

All of these kids require extra care, but females in particular need special attention as they are often forced into prostitution or child labour by traffickers since they come from low-income families and cannot survive on the streets like they do in India. Children who are denied

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<sup>3</sup> Asif, Khan. (2015). Child trafficking in India: A staid predicament. International Journal of Advanced Research in Management and Social Sciences,



their fundamental requirements for survival and who are in urgent need of protection are almost usually the ones who end up in real or prospective legal trouble, especially those from disadvantaged homes and communities.<sup>4</sup>

### **MEANING OF CHILD TRAFFICKING**

The serious crime of child trafficking involves the infringement of children's fundamental rights. It entails the acquisition, transfer, housing, and/or receiving of minors with the intention of abusing them. The Indian legal system and international agreements that India has ratified serve as the main sources of the definition and knowledge of child trafficking in India.

ITPA, or the Immoral Traffic (Prevention) Act of 1956: While the main objective of the ITPA is to stop trafficking for the purpose of commercial sexual exploitation, it also offers a framework that deals with other types of trafficking, such as child trafficking. It defines "trafficking" and "prostitution" and lays forth the consequences for anyone who engage in these crimes, especially those involving children.<sup>5</sup>

The Penal Code of India (IPC): The following provisions of the IPC address offences linked to trafficking:

Trafficking in individuals is defined under Section 370, which also imposes severe penalties on anyone found guilty. It makes it clear that trafficking in minors—children under the age of eighteen—with the intention of exploiting them is a serious crime with harsher punishments. The purchase and selling of children for the purpose of prostitution is covered under Sections 372 and 373 of the Indian Penal Code, 1860.<sup>6</sup>

The Act of 2015 for Juvenile Justice (Care and Protection of Children): A thorough legal foundation for children's protection is provided by this Act. Children who are victims of human trafficking are included in the definition of children in need of care and protection.

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<sup>4</sup> Savita, Singh. (2022). Child Trafficking Leading to Child Labor in India. Research hub, doi: 10.53573/rhimrj.2022.v09i09.001

<sup>5</sup> ibid

<sup>6</sup> <https://www.nextias.com/blog/child-trafficking/> (as visited on 25/05/2024)

The Act of 2012, Protecting Children from Sexual Offenses (POCSO): The POCSO Act focuses on child sexual abuse and exploitation, which frequently occurs as a result of human trafficking. It stipulates severe penalties for a number of crimes against minors.<sup>7</sup>

India is a party to the United Nations Convention on the Rights of the Child (UNCRC), which requires its members to take all reasonable steps to stop the kidnapping, selling, or trafficking of children.

The United Nations Convention against Transnational Organized Crime is supplemented by the Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children). This protocol gives a comprehensive definition of trafficking in persons, including children, and mandates that state parties implement all-encompassing anti-trafficking measures.



## CAUSES OF CHILD TRAFFICKING IN INDIA

Child trafficking is a multifaceted issue influenced by various social, economic, and cultural factors. In India, several underlying causes contribute to the prevalence of this grievous crime. Understanding these causes is crucial for developing effective strategies to combat trafficking and protect vulnerable children.

- **Poverty and Economic Disparities:** One of the primary drivers of child trafficking in India is poverty. Families in impoverished communities often struggle to meet basic needs, making them vulnerable to traffickers who promise better opportunities for their children. Desperation for financial stability can lead parents to sell their children or send them away with traffickers under the guise of securing employment or education.<sup>8</sup>
- **Lack of Education and Awareness:** Limited access to education and a lack of awareness about the dangers of trafficking contribute significantly to the problem. Uneducated families are more susceptible to false promises of good jobs and better lives for their children. Additionally, children who are not in school are at a higher risk of

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<sup>7</sup> <https://primelegal.in/2023/06/25/child-trafficking-and-laws-in-india/> (as visited 23/05/2024)

<sup>8</sup> Ibrahim, Mohamed, Abdelfattah, Abdelaziz. (2013). *Wither Childhood? Child Trafficking in India.*

being trafficked as they are more exposed to exploitation and less likely to be missed by the educational system.<sup>9</sup>

- **Social and Cultural Factors:** Cultural norms and societal practices can also perpetuate child trafficking. In some communities, there is a cultural acceptance of child labor and early marriage, both of which can lead to trafficking. Traditional practices such as the Devadasi system, where young girls are dedicated to deities and often subjected to sexual exploitation, further exacerbate the issue.
- **Gender Discrimination:** Gender discrimination plays a critical role in child trafficking, with girls being particularly vulnerable. In many parts of India, girls are seen as less valuable than boys and are more likely to be trafficked for sexual exploitation, domestic servitude, or forced marriages. The lower status of women and girls in society makes them easy targets for traffickers.<sup>10</sup>
- **Weak Law Enforcement and Corruption:** Inadequate law enforcement and widespread corruption hinder efforts to combat child trafficking. Traffickers often operate with impunity due to the lack of stringent enforcement of existing laws. Corruption among law enforcement officials can result in traffickers evading arrest and prosecution, perpetuating the cycle of trafficking.
- **Demand for Cheap Labor and Exploitation:** The demand for cheap labor in various sectors, including agriculture, construction, and domestic work, drives child trafficking. Children are trafficked to work in hazardous conditions for little or no pay. Similarly, the demand for young girls in the commercial sex industry fuels trafficking for sexual exploitation.<sup>11</sup>
- **Urbanization and Migration:** Rapid urbanization and internal migration contribute to the trafficking of children. Families moving from rural to urban areas in search of better opportunities can become vulnerable to traffickers. Children who migrate alone or with their families often end up in unfamiliar environments, making them easy targets for exploitation.
- **Natural Disasters and Conflict:** Natural disasters and conflicts exacerbate vulnerabilities and can lead to increased trafficking. Displacement caused by disasters

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<sup>9</sup> Latika, Yadav., Shabnam, Ansar. "Factors leading to trafficking of children and women in India.." Asian Journal of Home Science, undefined (2015). doi: 10.15740/HAS/AJHS/10.1/227-231

<sup>10</sup> Suresh, Kumar. (2023). Child Trafficking Continues to Thrive, A Better Coordination Needed to Combat it. Institutionalised children exploration and beyond, doi: 10.1177/23493003231152674

<sup>11</sup> Jacquelyn, C., A., Meshelemiah., Siddhartha, Sarkar. (2015). A comparative study of child trafficking in India and the United States.

or conflicts leaves children unprotected and more susceptible to traffickers who exploit the chaos and lack of security.

- **Lack of Effective Child Protection Systems:** The absence of robust child protection systems is a significant cause of trafficking. Many regions in India lack adequate mechanisms for the identification, rescue, and rehabilitation of trafficked children. This inadequacy allows traffickers to exploit gaps in the protection framework.
- **Globalization and Technological Advances:** Globalization and advances in technology have facilitated child trafficking by making it easier for traffickers to recruit and transport children across borders. The internet and social media platforms are increasingly used to lure children and coordinate trafficking activities.

## CONSEQUENCES OF CHILD TRAFFICKING IN INDIA

The impact of child trafficking in India is extensive, influencing the lives of children, their families, and society at large. These effects are varied, covering physical, psychological, social, and economic aspects. Grasping these consequences is essential for crafting effective measures and support networks for victims.<sup>12</sup>

### PHYSICAL HEALTH IMPACTS

**Exploitation and Harm:** Children trafficked for work, sexual exploitation, or domestic service often suffer severe physical harm. They face long working hours, dangerous conditions, and physical abuse, leading to chronic injuries, malnutrition, and other health issues.

**Health Risks and Diseases:** Trafficked children are more susceptible to infectious diseases, including sexually transmitted infections (STIs) and HIV/AIDS, especially those exploited sexually. Limited access to healthcare worsens these conditions, causing lasting physical health problems.<sup>13</sup>

### PSYCHOLOGICAL AND EMOTIONAL EFFECTS

**Trauma and Mental Health Problems:** The traumatic experiences of trafficking, such as

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<sup>12</sup> Jacquelyn, C., A., Meshelemiah., Siddhartha, Sarkar. (2015). A comparative study of child trafficking in India and the United States.

<sup>13</sup> Bir, Pal, Singh. (2022). Legislative and Reformative Approaches to Combat Trafficking of Women and Children in India. The Social ion, doi: 10.5958/2456-7523.2022.00010.6

abuse, isolation, and exploitation, inflict deep psychological wounds. Victims frequently experience anxiety, depression, post-traumatic stress disorder (PTSD), and other mental health issues. Lack of psychological support can result in enduring emotional and mental health difficulties.

**Erosion of Trust and Self-Esteem:** Trafficked children often lose trust in adults and authority figures due to betrayal and abuse. This erosion of trust significantly affects their self-esteem and their ability to form healthy relationships in the future.

### **SOCIAL AND EDUCATIONAL IMPACTS**

**Disruption of Education:** Child trafficking typically leads to the abrupt cessation of a child's education. Trafficked children miss out on schooling, severely hindering their cognitive and social development. The absence of education limits their future job prospects and perpetuates the cycle of poverty and exploitation.

**Social Stigma and Exclusion:** Children who have been trafficked may face social stigma and exclusion from their communities upon their return. This marginalization can make reintegration difficult and lead to further isolation and discrimination.<sup>14</sup>

### **ECONOMIC EFFECTS**

**Reduced Future Earnings:** The interruption of education and the physical and psychological effects of trafficking greatly diminish a child's future earning potential. This economic impact extends beyond the individual, affecting families and communities reliant on the child's future contributions.

**Strain on Social Services:** The rehabilitation and reintegration of trafficked children impose a significant burden on social services and the broader welfare system. Resources are needed for healthcare, psychological support, education, and legal assistance, stretching already limited public services.

### **IMPACT ON FAMILIES AND COMMUNITIES**

**Emotional and Financial Burden:** Families of trafficked children endure immense emotional

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<sup>14</sup> Bir, Pal, Singh. (2022). Legislative and Reformative Approaches to Combat Trafficking of Women and Children in India. The Social ion, doi: 10.5958/2456-7523.2022.00010.6

distress and financial hardship. The loss of a child, combined with potential income loss or costs related to searching for and rehabilitating the child, can have devastating effects on families.

**Community Disruption:** Child trafficking disrupts the social fabric of communities. It creates an environment of fear and distrust, weakening community bonds and reducing collective efficacy in addressing social issues.<sup>15</sup>

## LEGAL AND CRIMINAL JUSTICE IMPLICATIONS

**Prosecution Challenges:** The intricate nature of child trafficking cases presents significant challenges for the legal and criminal justice systems. Gathering evidence, securing testimonies, and ensuring victim safety during legal proceedings are complex tasks that often lead to low conviction rates for traffickers.

**Re-victimization in the Legal System:** Trafficked children may experience re-victimization within the legal system. Inadequate victim protection measures, lengthy legal processes, and insensitive handling of cases can further traumatize victims.

## RECOMMENDATIONS TO CONTROL CHILD TRAFFICKING IN INDIA

Child trafficking is a complex issue that requires a multifaceted approach to effectively combat. To address this pervasive problem, a combination of legal, social, economic, and educational interventions is essential. Here are some comprehensive recommendations to control child trafficking in India.<sup>16</sup>

### STRENGTHENING LEGAL FRAMEWORKS AND ENFORCEMENT

**Enhance Legislation:** Strengthen existing laws and enact new legislation specifically targeting child trafficking. This includes stricter penalties for traffickers and comprehensive definitions that cover all forms of trafficking and exploitation.

**Improve Law Enforcement Training:** Provide specialized training for law enforcement officers to recognize and respond to trafficking cases effectively. This includes training on victim identification, handling of cases with sensitivity, and understanding the psychological impacts on victims.

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<sup>15</sup> Christine, Joffres., Edward, J, Mills., Michel, Joffres., Tinku, Khanna., Harleen, Walia., Darrin, Grund. (2008). Sexual slavery without borders: trafficking for commercial sexual exploitation in India. *International Journal for Equity in Health*, doi: 10.1186/1475-9276-7-22

<sup>16</sup> Bhavya, Sapanji, Jain. (2023). Child Protection in Indian Programme and Legislative Framework: A Critical Analysis. *Institutionalised children exploration and beyond*, doi: 10.1177/23493003221150538

**Establish Dedicated Anti-Trafficking Units:** Create dedicated anti-trafficking units within the police force and other law enforcement agencies. These units should be equipped with the necessary resources and personnel to investigate and prosecute trafficking cases thoroughly.

**International and Interstate Cooperation:** Enhance cooperation between states and international bodies to address cross-border trafficking. This includes sharing intelligence, coordinating rescue operations, and harmonizing legal frameworks to facilitate prosecution.

## ENHANCING VICTIM SUPPORT AND REHABILITATION

**Establish Comprehensive Support Systems:** Set up shelters and rehabilitation centers that provide medical care, psychological counseling, education, and vocational training for rescued children. These centers should offer a safe and supportive environment for recovery and reintegration.

**Legal Assistance for Victims:** Provide free legal aid to trafficked children to help them navigate the legal system and ensure their rights are protected. This includes assistance during rescue operations, court proceedings, and rehabilitation processes.

**Community-Based Rehabilitation Programs:** Develop community-based programs that support the reintegration of trafficked children. These programs should involve local communities in the rehabilitation process, reducing stigma and promoting acceptance.

### Prevention Through Education and Awareness

**Public Awareness Campaigns:** Launch nationwide awareness campaigns to educate the public about the dangers of child trafficking. These campaigns should target vulnerable communities and highlight the signs of trafficking, legal consequences, and available support systems.

**Incorporate Trafficking Education in Schools:** Integrate education on child trafficking into school curriculums to raise awareness among children about the risks and their rights. This can help prevent trafficking by empowering children with knowledge.

**Community Vigilance and Reporting Mechanisms:** Encourage community vigilance and establish easy-to-access reporting mechanisms for suspected trafficking cases. This includes setting up hotlines, online reporting platforms, and community watch groups.<sup>17</sup>

### Economic and Social Interventions

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<sup>17</sup> Bhavya, Sapanji, Jain. (2023). Child Protection in Indian Programme and Legislative Framework: A Critical Analysis. Institutionalised children exploration and beyond, doi: 10.1177/23493003221150538

**Address Poverty and Economic Inequality:** Implement poverty alleviation programs and economic development initiatives targeting vulnerable communities. Providing financial support, employment opportunities, and social security can reduce the economic pressures that make families susceptible to traffickers.

**Promote Gender Equality:** Address gender discrimination and promote gender equality through education, awareness campaigns, and legal reforms. Empowering girls and women can reduce their vulnerability to trafficking and exploitation.

**Support Family Strengthening Programs:** Develop programs that support family cohesion and stability, such as parenting workshops, family counseling, and economic support. Strong, stable families are less likely to fall victim to trafficking schemes.

### **Monitoring and Research**

**Establish a National Database:** Create a centralized database to track trafficking cases, including data on victims, traffickers, and trends. This database should be accessible to law enforcement agencies, NGOs, and policymakers to facilitate data-driven decision-making.

**Conduct Regular Research and Surveys:** Invest in research to understand the root causes, trends, and dynamics of child trafficking. Regular surveys and studies can provide insights into the effectiveness of existing measures and highlight areas needing improvement.

**Monitor and Evaluate Programs:** Establish mechanisms to monitor and evaluate anti-trafficking programs continuously. This includes assessing the impact of policies, identifying best practices, and making necessary adjustments to improve outcomes.<sup>18</sup>

## **CONCLUSION**

The trafficking of children is a glaring example of a profound societal problem, highlighting the inability of communities to safeguard their young. Economic inequality and widespread poverty are the primary drivers of this social scourge. Each year, numerous children go missing, often falling prey to trafficking, which spans a global network of international crime. Many children are smuggled across borders and treated as commodities, while others are trafficked within their own countries, typically moving from rural to urban areas. This practice breaches the human rights of children, as enshrined in both national and international laws, notably the United Nations Convention on the Rights of the Child (UNCRC). Child trafficking endangers their survival and development, denying them education, healthcare, and

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<sup>18</sup>Christine, Joffres., Edward, J, Mills., Michel, Joffres., Tinku, Khanna., Harleen, Walia., Darrin, Grund. (2008). Sexual slavery without borders: trafficking for commercial sexual exploitation in India. *International Journal for Equity in Health*, doi: 10.1186/1475-9276-7-22



protection. To combat this horrific issue, it is crucial for individuals to unite and collaborate with governmental and non-governmental organizations.

Recognizing poverty as a major cause of child trafficking, it is essential to design and implement effective anti-poverty programs and policies, ensuring their rigorous monitoring. Addressing gender inequality, another critical factor, requires closing the gender gap to ensure justice in all aspects of life. Unregulated migration has also exacerbated issues like the commercial sexual exploitation of children, contributing to the trafficking problem. Despite the government's efforts and numerous legislations aimed at child protection, the intended beneficiaries often do not receive the support they need. Effective coordination is necessary to ensure that these resources reach the children. Community mobilization is vital to raise awareness about these issues and to empower people to tackle them effectively. A cohesive approach involving all stakeholders will be significant in addressing the menace of child trafficking.



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