

SC's view on Child Trafficking

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Why in news?

The Supreme Court of India declared that child trafficking and commercial sexual exploitation remain a "deeply disturbing reality" in India, despite protective laws.

Key Judicial Guidelines Issued

- **Victim Status** - A minor victim of trafficking should be treated as an "injured witness" rather than an accomplice.
- **Victim credibility** - Testimonies of trafficked children should not be disbelieved for minor contradictions; they must be seen as credible evidence.
- **Judicial sensitivity** - Lower courts were told not to reject victim testimonies just because of small mistakes, late reporting, or hesitation, since trauma and stigma often affect how victims speak.
- **Socio-Economic Awareness** - The Courts must consider victims' social and economic vulnerability, as traffickers exploit marginalised groups.
- **Organised Crime Recognition** - Trafficking networks use complex, layered structures to recruit, transport, harbour, and exploit minors - making it hard for victims to give a clear, step-by-step account.
- **Constitutional rights** - The exploitation of children strikes at the foundations of dignity, bodily integrity, and constitutional guarantees.

Child Protection Laws: Trafficking & Exploitation

Constitutional Safeguards

- **Article 23** - Prohibits trafficking in human beings and forced labour.
- **Article 24** - Bans child labour in hazardous industries.
- **Article 39(e) & (f)** - Directs the State to protect children from abuse and exploitation.
- **Article 21** - Guarantees the right to life and dignity, interpreted to include protection from trafficking and sexual exploitation.

Statutory Provisions

- Indian Penal Code (IPC), 1860
- Immoral Traffic (Prevention) Act, 1956
- Bonded Labour System (Abolition) Act, 1976

- The Child Labour (Prohibition and Regulation) Act, 1986
- Protection of Children from Sexual Offences (POCSO) Act, 2012
- The Juvenile Justice (Care and Protection of Children) Act, 2015

National Crime Records Bureau (NCRB), 2022 - 2,878 children were victims of human trafficking, and 83,350 children were reported missing in 2022.

International Commitments

- UN Convention on the Rights of the Child (CRC) - ratified by India.
- Palermo Protocol (2000) - obliges states to combat trafficking.
- ILO Conventions - on the worst forms of child labour and forced labour.

References

1. [The Hindu | SC: Child trafficking and commercial sexual exploitation](#)
2. [Ministry of External Affairs | Human Trafficking](#)

