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# **MISUSE OF CHILDREN IN ORGANISED CRIME: A SOCIO-ECONOMIC AND JUVENILE JUSTICE PERSPECTIVE**

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## **ABSTRACT**

Taking into account the socioeconomic factors, legal systems, and judicial reactions, this article investigates the alarming issue of children being exploited in India's organized crime networks. It draws attention to how social disintegration, poverty, and migration make kids more susceptible to human trafficking and illegal exploitation. Along with the constitutional guarantees (Article 23 forbidding trafficking) to protect children, it also examines India's current laws, particularly the Juvenile Justice (Care and Protection of Children) Act 2015, the POCSO Act, and the new Bharatiya Nyaya Sanhita (BNS) 2023. Recent rulings by the Supreme Court (such as *Pinki v. State of U.P.*, 2025) have strengthened bail requirements for alleged traffickers and emphasized child trafficking as a horrible crime. This study examines the ways in which criminals take advantage of juvenile protections and compares rehabilitation-focused juvenile justice strategies with calls to criminalize juvenile offenders.

A comparative overview of EU, UK, and US policies shows an emphasis on treating exploited children as victims (e.g. UK “county lines” cases involve 12-year-olds in drug running). Finally, policy recommendations stress multi-sectoral prevention (poverty alleviation, education), stronger enforcement of child protection laws, and ensuring juvenile justice centers on care and reintegration. All claims are supported by recent data and case law.

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## 1. Introduction

Children's exploitation by organized criminal groups poses a grave violation of their rights and safety, with worldwide trends showing an alarming increase. Globally, UNODC reports a 25% rise in detected trafficking victims by 2022, and a 31% jump in trafficked children, who now make up 38% of all identified victims.<sup>2</sup> These trafficking networks do not only traffic children into sexual exploitation and labor; recent Indian Supreme Court findings reveal children are increasingly trafficked for forced criminality - used as drug mules, lookouts, or even to perpetrate violent offenses - because offenders exploit the leniency afforded to juveniles.<sup>3</sup> Such "trafficking for forced criminality" is noted by the Court as "rising at alarming levels". The plight of these children underscores the need to understand why they are drawn into crime and how law and justice systems respond. This paper analyzes the socio-economic causes of this problem, surveys India's constitutional and statutory safeguards (including the new BNS 2023), reviews major judicial pronouncements on child trafficking and juvenile offenders, and compares international approaches. We conclude with recommendations balancing the rehabilitation of child victims with accountability for criminal syndicates.

Empirical evidence highlights the scale of the problem in India. In 2023, the NCRB recorded 4,719 human trafficking cases in India, with women and children constituting over 80% of those exploited.<sup>4</sup> Government data show rising numbers of rescued child trafficking victims: 3,098 children were rescued in 2022 alone, up from 2,484 in 2018. These children are not only drawn into sex slavery or forced labor; many are exploited in organized crime activities (e.g. illegal drug distribution, petty theft, beggary). The drivers are complex: chronic poverty, lack of education, and unemployment create desperate family conditions. One report describes how economic hardship during COVID-19 lockdown led a Bihari father to attempt to sell his own four-month-old baby because he could not feed the family.<sup>5</sup> Studies confirm that when families are economically unstable, children's vulnerability soars, and traffickers exploit these vulnerabilities with false promises of jobs or education.<sup>6</sup> In India, tens of millions of children live in poverty or migrate internally for work; for example, Census data show ~93 million internal child migrants, with about 20 million of them (under age 14) engaged in work.<sup>7</sup> Many

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<sup>2</sup> United Nations Office on Drugs and Crime (UNODC), Global Report on Trafficking in Persons (2022).

<sup>3</sup> *Pinki v. State of Uttar Pradesh*, 2025 INSC 342 (Supreme Court of India).

<sup>4</sup> National Crime Records Bureau, Crime in India Report 2023, Ministry of Home Affairs, Government of India.

<sup>5</sup> The Hindu, "Father in Bihar Tries to Sell Baby Amid Lockdown Hardship" (April 2020).

<sup>6</sup> UNICEF India, Child Trafficking in India: Policy Paper (2023).

<sup>7</sup> Census of India 2011, Migration Data Tables.

such migrant children become easy targets for traffickers who offer quick income or “family” in alien towns. These socio-economic conditions form the backdrop to the organized crime networks that “recruit, transport or harbor” children into exploitation, precisely the conduct criminalized under India’s laws (e.g. BNS 143).

## 2. Socio-Economic Drivers

**2.1 Poverty and Unemployment:** Deepening poverty and the lack of secure livelihoods force families to make desperate choices. Historical examples abound: during the 2020 lockdown in India, massive job losses forced migrant parents to walk hundreds of kilometers to their villages, often with no food or shelter.<sup>8</sup> In that time, an emergency hotline recorded 92,000 cases of child abuse over just 11 days (March-April 2020).<sup>9</sup> Analysts note that economic desperation “increases the vulnerability of children,” as their parents may become receptive to traffickers’ deceptive pitches about lucrative city jobs or better living conditions. Indeed, despite legal bans, child labor remains pervasive: surveys estimate over eight million Indian children (ages 5-14) working in fields, factories, and homes.<sup>10</sup> Such children are often “outsiders” in cities and at risk of being pressed into criminal work or sold into servitude.

**2.2 Migration and Displacement:** Large-scale migration both rural-to-urban and cross-border also contributes. India alone had nearly 93 million internal child migrants as of 2011, with likely higher numbers now. Some migrate voluntarily with family, while others are tricked into migrating. Girls frequently migrate for early marriage; boys often move for education or work but can end up in risky situations. Child migrants become easy prey for organized recruiters. For instance, United Nations data indicate that traffickers often target internal migrants or refugees exactly because they are isolated and undocumented. In India’s northeast and border regions, ethnic conflict and displacement have left many orphans or unhoused youth, sometimes drawn into militancy or smuggling rings as combatants or porters. Organized criminal gangs exploit such dislocation.

**2.3 Social Factors:** Discrimination, lack of schooling, and broken families heighten risk. Children from marginalized communities or dysfunctional homes may seek belonging in gangs.<sup>11</sup> Research shows young people in economically deprived neighborhoods often join

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<sup>8</sup> The Indian Express, “Migrant Workers Walk Back Hundreds of Kilometres Amid Lockdown” (April 2020).

<sup>9</sup> National Commission for Protection of Child Rights (NCPCR), COVID-19 Childline Data Report (2020).

<sup>10</sup> International Labour Organization (ILO), Child Labour Estimates for India (2019).

<sup>11</sup> National Human Rights Commission (NHRC), Study on Juvenile Justice and Marginalisation (2019).

gangs for a sense of security or income, only to be groomed into criminal networks. The European Parliament has warned that even in Europe, “gangs recruit children as young as 12” for criminal tasks.<sup>12</sup> India too has seen cases where teenagers have been lured by peer pressure or coercion into local drug gangs or human trafficking rings.

**2.4 Demand in Organized Crime:** Finally, criminal syndicates themselves have incentives to use children. Children are perceived as “low-risk” agents, since juvenile offenders face lighter punishment and can blend under the radar. For example, the Supreme Court observed that traffickers consider child members as a “safe haven” for heinous crimes.<sup>13</sup> An industry report notes that global drug gangs increasingly use minors to carry drugs (a trend vividly seen in the UK’s “county lines” phenomenon) or as street-level dealers.<sup>14</sup> By using children, criminals evade harsh adult sentences and confuse investigators. This calculating demand is a direct driver of child involvement in crime.

Collectively, these socio-economic conditions mean that many exploited children are not hardened juvenile delinquents by nature, but rather victims of circumstance. Their exploitation by organized crime is both a symptom of broader social ills and a cause of individual suffering. The next sections examine how India’s legal system addresses (or fails to address) this interplay of economic drivers and criminal exploitation.

### 3. Legal and Constitutional Framework

India’s legal framework features a mix of constitutional guarantees, specific child protection laws, and general penal provisions (now under the new Bharatiya Nyaya Sanhita – BNS – 2023). Constitutionally, India expressly prohibits trafficking and forced labor: Article 23(1) declares that “Traffic in human beings and other similar forms of forced labour are prohibited” and must be treated as an offense. This fundamental-right provision reflects the State’s duty to shield children from exactly the kinds of exploitation in organized crime. Other provisions – Article 15(3) permits affirmative measures for children (especially girls), Article 24 bars child labor under 14, and Article 39(e)(f) directs the State to protect children’s health, strength and childhood – further underscore a constitutional ethos of child welfare.<sup>15</sup>

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<sup>12</sup> European Parliament Briefing, Child Recruitment by Gangs in Europe (2025).

<sup>13</sup> *Pinki v. State of Uttar Pradesh*, 2025 INSC 342 (Supreme Court of India).

<sup>14</sup> UK Home Office, County Lines Drug Dealing and Exploitation Report (2023).

<sup>15</sup> Constitution of India, Articles 15(3), 24, 39(e)-(f)

At the statutory level, India maintains specialized laws for child protection alongside the general penal code. Notably, after decades of reform, the Juvenile Justice (Care and Protection of Children) Act 2015 (JJ Act) is the primary statute dealing with children in conflict with law or in need of care. The JJ Act establishes separate procedures (Juvenile Justice Boards) and places priority on the care, protection and rehabilitation of child offenders. Its stated purpose is to “provide care and protection, treatment, development and rehabilitation of the neglected juvenile delinquent”. Under the Act, “children in conflict with law” (defined as under 18 at time of offense) are generally exempt from adult punishment; only in rare cases (ages 16–18 and “heinous” offenses) can they be tried as adults after due assessment.<sup>16</sup>

Parallel to juvenile-specific law, India has robust child protection statutes. The Protection of Children from Sexual Offences Act (POCSO) 2012 criminalizes all forms of sexual exploitation of children with stringent penalties. In 2021, the Child Labour (Prohibition and Regulation) Amendment Act banned employment of children (under 14) in all occupations, making their involvement in any illegal work a serious offense. The Immoral Traffic (Prevention) Act 1956 (still in force for certain prostitution cases) deals with trafficking for commercial sex, although enforcement is often weak.<sup>17</sup>

Importantly, India has recently overhauled its general penal code. The new Bharatiya Nyaya Sanhita (BNS) 2023 replaced the old IPC. Under BNS, organized crime and trafficking have been explicitly targeted. Section 111 of BNS defines “Organised Crime” as any continuing unlawful activity (kidnapping, extortion, trafficking, etc.) by a syndicate for material benefit. This is a new standalone offense recognizing trafficking as part of organized crime. Likewise, BNS Section 143(1) criminalizes “trafficking of persons” by any means (threat, deception, force, etc.), punishing traffickers with at least 7-10 years of rigorous imprisonment. Section 144 builds on this by punishing those who exploit trafficked persons (engaging a trafficked child in sexual exploitation incurs 5-10 years jail). These provisions essentially replicate the old IPC sections 370 and 370A, now renumbered, and mark a modern, comprehensive approach to human trafficking, including by organized groups. Section 137-142 of BNS also cover kidnapping and abduction for slavery or illicit purposes, and Section 146 criminalizes habitual dealing in slaves and all tools to clamp down on child exploitation rings.

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<sup>16</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, 2(13), 15-19.

<sup>17</sup> Immoral Traffic (Prevention) Act, 1956, 3-9.

In summary, India's constitution and statutes impose a protective duty and a strict liability framework against trafficking and child exploitation. The laws explicitly envision traffickers (including organized gangs) as criminals, while emphasizing rehabilitation for child victims/offenders. However we will see as challenges arise in harmonizing these aims in practice.

#### 4. Judicial Response

The Indian judiciary has confronted child exploitation and organized crime through several landmark judgments. A particularly pivotal case is *Bachpan Bachao Andolan v. Union of India* (2011). The Supreme Court there explicitly recognized child trafficking as an organized crime, aligning domestic law with the UN's Trafficking Protocol.<sup>18</sup> The Court noted that traffickers were smuggling circus children, exploiting them for labor and abuse. It issued sweeping orders like banning the use of children in circuses, directing immediate raids and rescues of trafficked children, and mandating rehabilitation programs. This case marked one of the first major acknowledgments by the Apex Court that trafficking violates multiple fundamental rights (including the right to education and to life with dignity), and that systematic state action was required. It also ordered regular reporting on missing children and setting up child protection committees in states, laying foundations for child rights oversight.

More recent case law has emphasized the severity of child trafficking and closed loopholes. In *Pinki v. State of Uttar Pradesh* (2025), the Supreme Court granted relief in a multi-state trafficking matter.<sup>19</sup> The Court cancelled bail for thirteen accused in a child trafficking ring, after noting the enormous scale of child exploitation and the impunity with which traffickers acted. Importantly, *Pinki* catalogues the forms of child exploitation: children being trafficked into sexual slavery, forced labor, begging, petty crime and even armed conflict. The Court observed with concern that criminals "deploy minor children as safe havens for committing heinous offences" to evade severe punishment, so that "trafficking for forced criminality is rising at alarming levels". These findings underline a judicial awareness that traffickers deliberately entrap juveniles for criminal purposes. The *Pinki* ruling also issued detailed guidelines – urging quick trials for child-trafficking cases, strengthened inter-state coordination (since victims were moved across UP, Bihar, Jharkhand, etc.), and victim-friendly procedures

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<sup>18</sup> *Bachpan Bachao Andolan v. Union of India*, (2011) 5 SCC 1.

<sup>19</sup> *Pinki v. State of Uttar Pradesh*, 2025 INSC 342 (Supreme Court of India).

(e.g. child-sensitive questioning). It emphasized that courts must approach child traffickers sternly, viewing victims as children in need of protection rather than as criminals. In short, Pinki reaffirms that any leniency must favor the children, not their exploiters.

Other important decisions include *Pandey v. Union of India* (1984), where the Supreme Court dealt with illegal foreign adoption of Indian children. It termed the commercialized adoption racket as “trafficking in children” and laid down exhaustive safeguards for inter-country adoptions. This early case reflects the long-standing judicial stance against child commodification. In *Shakti Vahini v. Union of India* (2018), although focused on “forced marriages,” the Court sternly warned that trafficking under the guise of marriage is a heinous crime warranting urgent action, ordering police to act decisively against trafficking rings. Even in juvenile sentencing, cases like *Mohd. Arif v. Superintendent, Central Jail* (2014) and *Mukesh v. NCT of Delhi* (2017) have wrestled with whether serious young offenders should be tried as adults. While the trend has been to raise accountability (leading to the 2015 JJ Act amendment allowing 16–18 year-olds to face adult trial for grave crimes), the courts have also emphasized reformation. For example, in *Shivaji Sahru Kabra v. State of Maharashtra* (1980), the Court held that detention of juveniles should only be for their welfare. In sum, the judiciary recognizes trafficking of children as organized crime and has taken an assertive stance in rescues and punishment, but it continually grapples with the tension between punishing offenders and protecting vulnerable minors.

## 5. Juvenile Justice Challenges

India’s juvenile justice system is fundamentally rehabilitative, yet faces hard questions when children intersect with serious crime. By statute, every child in conflict with law is presumed not responsible, and the system’s primary focus is on restoration and reintegration. Indeed, experts note that the JJ Act’s purpose is “to provide care, protection... and rehabilitation of the neglected juvenile delinquent”. Child offenders are sent to observation homes, receive counselling, and (in theory) education and skill training – not merely punishment. This philosophy flows from international standards (such as the UN Convention on the Rights of the Child, to which India is a party) and India’s own constitution (e.g. Article 39(e)-(f) directs the State to afford children equal opportunity and protect them from exploitation).

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<sup>20</sup> *Mohd. Arif v. Superintendent, Central Jail*, (2014) 9 SCC 737; *Mukesh v. NCT of Delhi*, (2017) 6 SCC 1.

However, the system is under strain. One challenge is rehabilitation vs. criminalization.

Critics argue that too often children who offend are swept into the penal stream with adults (especially in under-resourced facilities) instead of receiving specialized help. For example, reports have surfaced of juveniles detained in overcrowded jails with hardened criminals, exposing them to abuse and negating rehabilitative aims. There is also concern about the adequacy of post-release support: many juvenile offenders come from deprived backgrounds, and without proper schooling or job opportunities after release, they may re-offend. In India's context, such lapses can feed directly back into organized crime cycles, as released youths may be re-recruited by gangs.

Another issue is misuse of legal protections. Law enforcement and courts have observed a phenomenon: organized criminals increasingly use minors to carry out risky tasks precisely because of the softer treatment they receive. The 2025 Pinki judgment articulates this concern, noting that traffickers exploit juvenile protections to evade punishment. If courts are too lenient on juvenile offenders, there is a risk that they (or other youths) will be co-opted into crime with impunity. This has led to pressure for stricter measures; indeed, the JJ Act's creation of a category for trying 16-18 year-olds as adults in heinous crimes was a legislative response to public alarm over cases like the 2012 Delhi gang rape.<sup>21</sup> Yet, this raises complex questions: does raising the age of adult trial actually deter organized crime, or does it risk criminalizing more young people without addressing root causes?

Human rights perspectives stress caution. Leading child rights organizations emphasize that even when children commit crimes, they must primarily be seen as victims of circumstance. The UK's NSPCC, for example, explicitly notes that any child "trafficked for the purpose of criminal exploitation is a victim of abuse".<sup>22</sup> India's courts have similarly recognized (e.g. Pandey, BBA) that child victims should not be treated as offenders. Moreover, UNESCO and UNICEF research shows that labeling children as criminals often does more harm than good: it hampers their education, stigmatizes them, and can fuel a self-fulfilling cycle of delinquency.

In practice, India's juvenile justice system often performs unevenly. Some local juvenile boards lack resources or trained social workers.<sup>23</sup> Police, overloaded with manpower shortages, may

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<sup>21</sup> Juvenile Justice (Care and Protection of Children) Act, 2015, §15; aftermath of the 2012 Delhi Gang Rape Case.

<sup>22</sup> National Society for the Prevention of Cruelty to Children (NSPCC), Child Criminal Exploitation Guidance (2023).

<sup>23</sup> National Commission for Protection of Child Rights (NCPCR), Evaluation of Juvenile Justice Boards (2021).



not distinguish between vulnerable child offenders and hardened adult perpetrators. Courts frequently grant bail to minors (or refuse bail to their adult handlers) because the law favors protecting the child's future. While compassionate in intent, this sometimes leads to outcry when heinous crimes are involved. For example, community outrage has followed cases where a juvenile murderer received a much lighter sentence than adult co-accused, even if the juvenile's actions were brutal.<sup>24</sup>

The challenge, then, is balancing these imperatives: ensuring children are rehabilitated and not reincarcerated, while also ensuring that leniency for juveniles is not so permissive that it invites exploitation. One practical approach is what criminal justice scholars call "restorative juvenile justice": providing education, therapy, and community service in lieu of detention, while reserving incarceration only for those who persist in violent crime.<sup>25</sup> Technology and data can help: as noted in India's 2025 budget proposals, linking missing-children databases and biometric systems can help identify trafficked children earlier. Engaging NGOs and victims' families in aftercare (as ordered by courts in BBA) can also prevent relapse into crime.

Ultimately, India's juvenile justice policy must remain child-centric. Its ethos is that every child has the capacity to reform. Recent reforms (like specialized Juvenile Justice Boards, fast track courts for POCSO/JJ cases, and bans on child labor) reflect this spirit. Continued vigilance is needed to ensure those reforms serve children's long-term interests, not just short term public demands for punishment.

## 6. Global Comparative Context

The issue of children in organized crime is global, and many countries face similar dilemmas. In the European Union, authorities have noted a worrying trend of gang networks recruiting youths. A 2025 European Parliament briefing reports arrests of minors in drug trafficking: e.g. in 2024 Belgian police caught 16 underage suspects in an Antwerp drug case, and Italian courts reported that over 99% of 1,246 minors charged in 2023 were for drug-related offenses.<sup>26</sup> Smaller cities and suburbs across Europe are seeing gangs use adolescents as "spotters" or street dealers (sometimes even involving girls and very young teens). EU policy emphasizes social interventions in vulnerable neighborhoods to prevent gang recruitment, as well as gang

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<sup>24</sup> The Indian Express, "Juvenile in Heinous Crime Sparks Public Outcry" (2023).

<sup>25</sup> John Braithwaite, *Restorative Justice & Responsive Regulation* (1999).

<sup>26</sup> European Parliament, *Briefing on Child Criminal Exploitation in EU* (2025).

targeted policing. Critically, EU child welfare agencies insist on treating these young offenders as victims of exploitation first. For instance, the Council of Europe's anti-trafficking convention urges all members to avoid penalizing child victims and to provide them with protection and support services.<sup>27</sup>

In the United Kingdom, the phenomenon of “county lines” exemplifies child misuse: London based drug gangs groom and transport children (often as young as 12) to sell drugs in rural areas. UK law enforcement distinguishes between criminal and care responses.<sup>28</sup> Recent UK legislation (e.g. the Serious Violence Act) includes child criminal exploitation as a form of abuse that should be addressed with safeguarding measures rather than punishment. NGOs like the NSPCC provide education for police on recognizing gang grooming. When youth are caught carrying drugs, authorities attempt to screen for trafficking indicators and refer them to social services instead of automatically arresting them as accomplices.<sup>29</sup> This aligns with international standards (e.g. UN TIP Report recommendations) that victims of trafficking – even if they have committed crimes under duress – should not be prosecuted for those crimes.

The United States likewise frames child victims of trafficking and exploitation as human rights rather than criminals. Federal law (the Trafficking Victims Protection Act of 2000) explicitly mandates that minors identified as trafficking victims receive government assistance and not prosecution. U.S. practice is to decriminalize prostitution for minors entirely and to provide temporary visas and services to trafficking victims.<sup>30</sup> Recent U.S. Trafficking in Persons reports emphasize that children forced into crimes (street vending, theft, etc.) should be treated as victims. For instance, the 2023 U.S. State Department TIP Report warns against “inappropriately penalizing victims...including children, for crimes committed as a direct result of being trafficked” (2023 TIP Report). In practice, this means American law enforcement increasingly partners with victim-support agencies to rehabilitate exploited youths, and prosecutors often drop charges against juvenile offenders once evidence of coercion is shown.

A UNODC global report (2024) underscores these international trends: it reports a spike in “forced criminality” trafficking and a growing share of child victims worldwide. It identifies

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<sup>27</sup> Council of Europe, Convention on Action Against Trafficking in Human Beings, 2005.

<sup>28</sup> UK Home Office, County Lines Drug Exploitation Report (2023).

<sup>29</sup> NSPCC UK, Criminal Exploitation and County Lines Training Materials (2024).

<sup>30</sup> U.S. Dept. of Justice, Guidelines on Child Trafficking Victims (2023).

common causes – poverty, conflict, climate disasters – driving victims into criminals' hands, and it urges global cooperation on prevention and rehabilitation. The UN framework (UN Trafficking Protocol and Convention on the Rights of the Child) is clear that children should never be treated the same as adults in criminal law.<sup>31</sup> Comparative experience suggests that India's policies must align with this victim-centered approach, even as India strengthens laws against the syndicates.

## 7. Recommendations & Conclusion

Addressing the misuse of children in organized crime requires a coordinated socio-legal strategy. Our recommendations, based on the above analysis, are:

**7.1 Strengthen socio-economic supports:** Mitigate root vulnerabilities by expanding social welfare, education, and employment opportunities for impoverished communities. Targeted scholarships, child labor prevention in rural areas, and robust mid-day meal programs can keep children in school.<sup>32</sup> Governments should invest in at-risk regions (e.g. border districts) with community development so that families need not send children on migratory labor. Special attention is needed for climate- and conflict-displaced families, providing them with basic services and schooling for their children to reduce exploitation risk.

**7.2 Enhance anti-trafficking enforcement:** Ensure all police stations have well-trained anti-human-trafficking units as mandated. Rapid-response teams should act on missing children reports. The Pinki case recommends fast-tracking child trafficking trials; courts must enforce those timelines. Expand and modernize technology like the TrackChild portal (with biometric and GIS data) to swiftly locate and identify abducted children. Intelligence sharing among states (as Pinki highlighted across UP, Bihar, Jharkhand) should be institutionalized through joint task forces. Crucially, law enforcement must be trained to recognize child-victims: police should screen detained juveniles for signs of coercion or exploitation rather than simply arresting them.

**7.3 Revamp Juvenile Justice implementation:** Ensure that the juvenile system's rehabilitative promise is fulfilled. Strengthen Juvenile Justice Boards by hiring more qualified social workers, psychologists, and child-protection officers. Observation homes and child care

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<sup>31</sup> UN Convention on the Rights of the Child, 1989; UN Trafficking Protocol, 2000.

<sup>32</sup> UNICEF India, *Educa on as Preven on Against Child Trafficking* (2023).

institutions must meet international standards; children should never share space with adult criminals. Upon release, at-risk youth should enter follow-up programs (education, vocational training, counseling). The JJ Act could mandate periodic reviews of rehabilitated juveniles to support their reintegration. Simultaneously, vigilance is needed to prevent deliberate abuse of leniency: modern prosecutors should consult child-welfare experts when deciding on bail or trial-path, per Pinki's example.

**7.4 Leverage child-protection agencies:** The State Commissions for Protection of Child Rights (SCPCRs) and District Child Protection Units (DCPUs) should be empowered and monitored.<sup>33</sup> They must coordinate rescues and rehabilitation of trafficking victims. Courts in BBA have called for NGOs and child rights bodies to assist survivors; governments should formalize such partnerships. Civil society (Bachpan Bachao Andolan, local NGOs, etc.) can run victim support services and community watch programs in vulnerable zones. Likewise, use public awareness campaigns (through schools, media, digital platforms) to educate families about trafficking tactics and legal safeguards. As noted in budget planning, such prevention campaigns can reduce vulnerability by up to 40%.

**7.5 Legal and policy reforms:** Evaluate the impact of the new BNS provisions on trafficking. If needed, ensure BNS 143-144 (trafficking) are fully implemented and that prosecutors are using them. Close any remaining legal loopholes that criminals exploit (for example, ensure harsh penalties for all participants in trafficking rings, including parents and guardians who collude). Amend related laws to punish corrupt officials who facilitate child trafficking (the new BNS already mandates life imprisonment for public servants involved in trafficking). At the policy level, strengthen the National Policy for Children and link anti-trafficking strategy directly with juvenile justice policy, ensuring these do not operate in silos.

**7.6 Victim-centered justice:** Finally, India should firmly adopt the principle that trafficked children are victims first.<sup>34</sup> This means formally directing police not to file charges against minors for acts committed under duress by traffickers. Courts should treat rescued children as victims of crime, not as offenders. Compensation schemes (as suggested in several child labor cases) should extend to trafficking victims. Judicial and police training on child rights (POCSO compliance, juvenile justice mandates) must be intensified. By upholding the

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<sup>33</sup> National Commission for Protection of Child Rights, Annual Report 2023-24.

<sup>34</sup> UNODC, Principles of Victim-Centered Justice in Child Trafficking (2023).

rights enshrined in Article 23 and the JJ Act, India can deter criminals from using children as pawns, knowing the law will penalize the syndicates, not their victims.

In conclusion, the misuse of children in organized crime is a stark intersection of socioeconomic distress and criminal opportunism. India's constitutional values, bolstered by the BNS 2023 and juvenile statutes, provide a strong framework to fight this abuse. Recent Supreme Court rulings (from *Bachpan Bachao* to *Pinki*) affirm that trafficking is organized crime and demand systemic responses. Yet implementation gaps and the dynamic tactics of crime rings mean constant vigilance is needed. By coupling social investments (education, poverty alleviation) with ruthless enforcement against traffickers and compassionate care for child victims, India can honor both the letter and spirit of its laws. As the UNODC finds globally, trafficking flourishes amid inequality and conflict. India's next steps must turn the tide by transforming vulnerable children from targets of crime into protected citizen's children "capable of compassion, affection, love and loyalty," as famously stated by the Supreme Court - not into commodities for gangs.