

# Anti trafficking bill

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## In news

Recently, the Ministry of Women and Child Welfare invited suggestions and comments for its Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021.

## Key features of the Bill

The bill has increased the scope of the nature of offenses of trafficking as well as the kind of victims of these offenses, with stringent penalties including life imprisonment, and even the death penalty in cases of an extreme nature. Following are the key provisions of the bill:

## Applicability

Once passed, it will will extend to all citizens inside as well as outside India, such as

- Persons on any ship or aircraft registered in India wherever it may be or carrying Indian citizens wherever they may be.
- A foreign national or a stateless person who has his or her residence in India at the time of commission of offence under this Act, and
- The law will apply to every offence of trafficking in persons with cross-border implications.

## Fortification of property

Property bought via such income as well as used for trafficking can now be forfeited with provisions set in place, similar to that of the money laundering Act.

## Scope of the bill

**The scope of the Bill vis a vis offenders** will also include

defence personnel and government servants, doctors and paramedical staff or anyone in a position of authority.

### **NIA's role**

It is proposed that the NIA shall act as the national investigating and coordinating agency responsible for prevention and combating of trafficking in persons.

### **National Anti-Human Trafficking Committee(NAHTC)**

- Once the law is enacted, the Centre will notify and establish NAHTC, for ensuring overall effective implementation of the provisions of this law.
- This committee will have representation from various ministries with the home secretary as the chairperson and secretary of the women and child development ministry as co-chair.
- State and district level anti-human trafficking committees will also be constituted.

### **Penalty**

- Imprisonment of 7 to 10 years and a fine of Rs 5 lakh, in most cases of child trafficking
- In the case of the trafficking of more than one child, the penalty is now life imprisonment.
- Where a person is convicted of an offence under this section **against a child of less than twelve years of age, or against a woman for the purpose of repeated rape**, the person shall be punished with rigorous **imprisonment for twenty years**.
- It **may extend to life**, or **in case of second or subsequent conviction with death**, and with fine which may extend up to thirty lakh rupees.
- The bill also makes it clear a person advertising, printing or broadcasting any material that promotes trafficking will invite punishment.

## **Definition of Exploitation**

It has been defined to include, at a minimum, the exploitation of the **prostitution of others or other forms of sexual exploitation including pornography, any act of physical exploitation, forced labour** or services, **slavery** or practices similar to slavery, servitude or **forced removal of organs, illegal clinical drug trials** or **illegal bio-medical research**.

## **Inclusion of Transgenders**

- Along with the protection of women and children, it also protects transgenders as well as any person who may be a victim of trafficking.
- It also does away with the provision that a victim necessarily needs to be transported from one place to another to be defined as a victim.

## **Conventions, Protocols & Campaigns related to Human Trafficking**

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000 as a part of UN Convention Against Transnational Organised Crime.
- Protocol against the Smuggling of Migrants by Land, Sea and Air-2004.
- The Blue Heart Campaign: It is an international anti-trafficking program started by the UNODC.

## **Indian laws related Human-Trafficking**

- Trafficking in Human Beings or Persons is prohibited under the Constitution of India under Article 23 (1)
- The Immoral Traffic (Prevention) Act, 1956 (ITPA) is the premier legislation for prevention of trafficking for commercial sexual exploitation.
- Protection of Children from Sexual offences (POCSO) Act, 2012.