

Bill No. 245 of 2019

THE HUMAN TRAFFICKING (PREVENTION) BILL, 2019

By

SHRI RAHUL SHEWALE, M.P.

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BILL

to establish a Central Human Trafficking Prevention Commission for prevention of human trafficking in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Human Trafficking (Prevention) Act, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification
5 in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.	<p>2. (1) In this Act, unless the context otherwise requires,—</p> <p>(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;</p> <p>(b) "Commission" means the Central Human Trafficking Prevention Commission established under section 4;</p> <p>(c) "human trafficking" means an act of recruiting or transferring any person for unlawful purpose including sexual exploitations or engaging him as forced labour within the country or in a foreign country; and</p> <p>(d) "prescribed" means prescribed by the rules made under this Act.</p> <p>(2) The words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860, or the Immoral Traffic (Prevention) Act, 1956 shall have the same meanings, respectively, assigned to them in those Acts.</p>	<p>5</p> <p>10 45 of 1860. 104 of 1956.</p>
Formulation of National Policy to prevent Human Trafficking.	<p>3. (1) The Central Government shall, as soon as may be after the commencement of this Act and in consultation with the State Governments concerned, by notification in the Official Gazette, formulate a National Policy aimed at prevention of growing incidents of human trafficking and overall welfare, protection and rehabilitation of victims of human trafficking.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the appropriate Government to implement the national policy formulated under sub-section (1).</p>	<p>15</p> <p>20</p>
Establishment of Central Human Trafficking Prevention Commission.	<p>4. (1) The Central Government shall, by notification in the Official Gazette, establish a Central Human Trafficking Prevention Commission for prevention of the human trafficking of citizens within the country or abroad.</p> <p>(2) The headquarters of the Commission shall be at New Delhi.</p> <p>(3) The Commission may establish its branches in the States and Union territories in such manner as may be prescribed.</p> <p>(4) The Commission shall consist of one Chairperson and such other members having relevant experience in the field to be appointed by the Central Government in such manner as may be prescribed.</p> <p>(5) The salary and allowances payable to the Chairperson and members of the Commission shall be such as may be prescribed.</p> <p>(6) The Commission shall be a body corporate by the name of aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.</p> <p>(7) The Commission may appoint such number of officers and employees as may be necessary for the efficient functioning of the Commission and carrying out the purposes of this Act.</p> <p>(8) The salary and allowances payable to and other terms and conditions of service of officers and employees of the Commission shall be such as may be prescribed.</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p>
Functions of the Commission.	<p>5. The Commission shall —</p> <p>(a) take rehabilitation and welfare measures for victims of human trafficking;</p> <p>(b) provide boarding and lodging facilities for victims of human trafficking;</p> <p>(c) provide emergency medical care and necessary legal assistance to victims of human trafficking; and</p> <p>(d) undertake such other measures as may be deemed fit for prevention of human trafficking.</p>	<p>40</p> <p>45</p>

6. The appropriate Government shall formulate rehabilitation scheme for persons rescued from trafficking and take such other welfare measures for prevention of human trafficking under this Act in such manner as may be prescribed.

Appropriate Government to formulate rehabilitation scheme.

5 **7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds to the State Government for carrying out the purposes of this Act.**

8. The provisions of this Act and rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effects.

10 **9.** The provisions of this Act shall be in addition to and not in derogation of any other law for the time being applicable to the subject matter of this Act.

Act not in derogation of other laws.

10. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

15 (2) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect
20 only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(3) Every rule made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

STATEMENT OF OBJECTS AND REASONS

India has become the largest base of human trafficking in the world. In the abominable market of human trafficking, India is being identified both as a consumer and producer. According to the United States "Trafficking in Persons", Report, 2009, India is in the league of such nations where the Governments have proved to be unsuccessful in prevention of incidents of human trafficking.

Human trafficking has taken deep roots in the society. The network of human trafficking has been spreading across the country. Lakhs of women are being trafficked every year within the country, out of which more than forty per cent. are minors. Forty per cent. of the kidnapped children are forced into child labour or prostitution.

Human trafficking is a heinous and inhumane crime. The web of human trafficking is spreading rapidly in the country and it is not only spoiling the image of India in the world, but also contaminating the society on a large scale. If the growing numbers of incidents of human trafficking are not checked in time, the situation would go out of control.

Hence this Bill.

NEW DELHI;
October 25, 2019

RAHUL SHEWALE

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for establishment of a Central Human Trafficking Prevention Commission for prevention of the human trafficking. Clause 5 provides for rehabilitation and welfare measure of persons victims of human trafficking. Clause 6 provides for the formulation of rehabilitation scheme for persons rescued from human trafficking. Clause 7 provides that the Central Government shall provide adequate funds to the State Governments. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of rupees five hundred crore per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the appropriate Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Rahul Shewale, M.P.)