

Bill No. XXIV of 2013

THE IMMORAL TRAFFIC (PREVENTION) AMENDMENT BILL, 2013

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BILL

to amend the Immoral Traffic (Prevention) Act, 1956.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Immoral Traffic (Prevention) Amendment Act, 2013.

Short title
and
commencement.

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

104 of 1956. 5 **2.** In the Immoral Traffic (Prevention) Act, 1956 (hereinafter referred to as the principal Act), in section 2, after clause (i), the following clause shall be inserted, namely,—

Amendment
of section 2.

10 “(ia) ‘trafficking in persons’ means and includes the recruitment transportation, transfer, harbouring or obtaining of persons, by means of threat or use of force or other forms of coercion, abduction, kidnapping, fraud, deception, abuse of power or of a position of vulnerability or of giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Explanation. (1)—The expression “exploitation” includes, exploitation for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs and the consent of a victim of trafficking in persons to the intended exploitation set forth in clause (ia) shall be irrelevant where any of the means mentioned in clause (ia) have been used.

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Explanation. (2)—The expression ‘trafficking in persons’ includes recruitment, transportation, transfer, harbouring or obtaining of a child for the purpose of exploitation even if it does not involve any of the means as mentioned in clause (ia)’.

Insertion of
new section
5A.

3. In the principal Act, after section 5, the following shall be inserted, namely:—

Punishment
for
trafficking in
person.

“5A. Any person who commits trafficking in person shall be punishable on conviction with imprisonment for life”.

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STATEMENT OF OBJECTS AND REASONS

The menace of child trafficking in our country has been growing at an alarming pace. The common reasons for child trafficking range from economic deprivation, lack of employment opportunities, low social status (more common for girls), low education level and general awareness, disadvantageous socio-cultural norms, gender and minority discrimination etc. The prevalence of child trafficking is high in poverty stricken areas of Andhra Pradesh, Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, Orissa and West Bengal.

Traffickers force young girls into prostitution, and other men, women, and children are held in debt bondage and face forced labour working in brick kilns, rice mills, factories, homes as domestic servants, or as beggars or in hazardous occupations etc. The traffickers of young girls are often those women who themselves have been trafficked and who use their personal relationships and trust in people in their villages to recruit additional girls.

A large number of children are abducted every year of which a sizeable number remain untraced according to a report by the National Human Rights Commission of India. The United Nations Children's Fund (UNICEF) has estimated that the majority of children trafficked are engaged in hazardous occupations.

Although Immoral Traffic (Prevention) Act, 1956 is in place to address the issue of human trafficking. The Act only refers to trafficking for prostitution, hence does not provide comprehensive protection for children. The Act also does not provide clear definition of "trafficking". Thus, there is an imperative need to define, trafficking and to enhance the punishment for the heinous offence to protect children and others against trafficking.

Hence this Bill.

MANSUKH L. MANDAVIYA

RAJYA SABHA

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BILL

to amend the Immoral Traffic (Prevention) Act, 1956.

(Shri Mansukh L. Mandaviya, M.P.)