



Draft Anti-Trafficking Bill

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Why in News

Recently the **Ministry of Women and Child Development** released **Draft anti-trafficking Bill**, the **Trafficking in Persons (Prevention, Care and Rehabilitation) Bill, 2021**.

- The bill once finalised will need the Cabinet approval and assent from both the houses of Parliament to become a Law.
- A **previous draft** had been introduced in 2018 but that **could not be introduced in Rajya Sabha** amid stiff opposition from Parliamentarians and experts.

Key Points

- **Criticism to the Old Bill:**
 - According to the **United Nations'** human rights experts, it was **not in accordance with the international human rights laws**.
 - The Bill seemed to **combine sex work and migration with trafficking**.
 - The Bill was criticised for **addressing trafficking through a criminal law perspective instead of complementing it** with a human-rights based and victim-centred approach.
 - It was also criticised for promoting "**rescue raids**" by the police as well as **institutionalisation of victims in the name of rehabilitation**.
 - It was pointed out that **certain vague provisions would lead to blanket criminalisation of activities** that do not necessarily relate to trafficking.

- **Provisions in the New Bill:**

- It **extends to all citizens inside as well as outside** India,
 - **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**.
- **Victims Covered:**
 - It **extends beyond the protection of women and children as victims to now include 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.
- **Defines 'Exploitation':**

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.
- **Government Officers as Offenders:**

Offenders **will also include defence personnel** and government servants, doctors and paramedical staff or anyone in a position of authority.
- **Penalty:**
 - A minimum of seven years which can go up to an imprisonment of 10 years and a fine of Rs 5 lakh in most cases of child trafficking.
 - In case of the trafficking of more than one child, the **penalty is now life imprisonment**.
- **Similarity to Money laundering Act:**

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**.
- **Investigation Agency:**

The **National Investigation Agency (NIA)** shall act as the national investigating and coordinating agency responsible for prevention and combating of trafficking in persons.

- **National Anti-Human Trafficking Committee:**
 - Once the law is enacted, the Centre will notify and establish a National Anti-Human Trafficking Committee, 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.
- **Significance:**
 - The transgender community, and any other person, has been included which will automatically **bring under its scope activity such as organ harvesting**.
 - Also, **cases such as forced labour**, in which people lured with jobs end up in other countries where their passports and documentation is taken away and they are made to work, will also be covered by this new law.
- **Legislations in India that Prohibits Human Trafficking:**
 - **Article 23 (1)** in the constitution of India prohibits trafficking in human beings and forced labour.
 - The **Immoral Traffic (Prevention) Act, 1956 (ITPA)** penalizes trafficking for commercial sexual exploitation.
 - India also **prohibits bonded and forced labour** through the Bonded Labour System (Abolition) Act 1976, Child Labour (Prohibition and Abolition) Act 1986, and Juvenile Justice Act.
 - **Sections 366(A) and 372 of the Indian Penal Code**, prohibits kidnapping and selling minors into prostitution respectively.
 - Apart from this, **the Factories Act, 1948** guaranteed the protection of rights of workers.

- **International Conventions, Protocols and Campaigns:**
 - **Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children in 2000** as a part of the **UN Convention Against Transnational Organised Crime**. The **United Nations Office on Drugs and Crime (UNODC)** is responsible for implementing the protocol. It offers practical help to states with drafting laws, creating comprehensive national anti-trafficking strategies, and assisting with resources to implement them.
 - **Protocol against the Smuggling of Migrants by Land, Sea and Air**. It entered into force on 28th January 2004. This also supplements the UN Convention Against Transnational Organised Crime. The Protocol is aimed at the protection of rights of migrants and the reduction of the power and influence of organized criminal groups that abuse migrants.
 - **Universal Declaration of Human Rights (1948)** is a non-binding declaration that establishes the right of every human to live with dignity and prohibits slavery.
 - **Blue Heart Campaign:** The Blue Heart Campaign is an international anti-trafficking program started by the UNODC.
 - **Sustainable Development Goals:** Various SDGs aim to end trafficking by targeting its roots and means viz. **Goal 5** (Achieve gender equality and empower all women and girls), **Goal 8** (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all) and **Goal 16** (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels).

Source: IE