

NATIONAL

Activists oppose draft anti-trafficking Bill



Jagriti Chandra

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Say it will criminalise sex workers and transgenders

The **proposed anti-trafficking Bill** likely to be tabled in Parliament during the Monsoon Session will criminalise sex workers and transgenders, according to activists who have appealed to parliamentarians that the draft legislation be sent to the Standing Committee.

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Activists as well as sex workers have also appealed to the Ministry of Women and Child Development, which drafted the legislation, that the Bill should explicitly state that consenting adult workers will not be penalised under the new law.

“When a law prescribes life imprisonment for trafficking leading to AIDS or begging or injecting of hormones, it will ultimately lead to criminalisation of trans-identities,” said LGBTQ rights activist Vikramaditya Sahai at a press conference on Tuesday.

He added that the law would also lead to a multi-fold increase in violence against sex workers.

“If a sex worker is violated, she won’t be able to go to court because she will be immediately understood as exploited, trafficked and sent to rehabilitation. The law will lead to increase in violence against sex workers and silence them,” he added.

A sex worker at the press meet argued that forceful rehabilitation as laid down under the proposed legislation would uproot women like her and deprive them of their source of livelihood.

‘A roadblock’

Dr. S. Jana, who was part of a Supreme Court-appointed committee in the *Buddhadeb Karmakar Vs State of West Bengal* on rehabilitation of sex workers, said the Bill went against the basic tenets of rehabilitation as it did not distinguish between trafficking and sex work and failed to assure dignity to consenting adult sex workers. He said it would also be a roadblock in HIV prevention.

Activist Aarthi Pai also argued that certain clauses in the Bill endanger freedom of expression. She said Section 36, 39 (2) and 41 which pertain to advertisements or material that promote trafficking as well as solicitation through electronic modes lend themselves to misuse.

The Union Cabinet approved the draft Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill 2018. The Bill which could not be tabled during the Budget session because of continued disruptions deals with trafficking and aggravated forms of trafficking.

While the former category of crimes carry a jail term of seven to 10 years, the latter carry a punishment of 10 years in jail to life imprisonment. Aggravated offences include trafficking for

the purpose of forced labour, begging, trafficking by administering chemical substance or hormones on a person for the purpose of early sexual maturity, or where a survivor contracts HIV.

Earlier this month, nearly 4,300 sex workers wrote a letter to Women and Child Development Minister Maneka Gandhi appealing her to ensure that the new law does not lead to their incarceration.



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