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A LAW FOR CHILDREN

Parliament must pass Trafficking Bill, Criminal Law Amendment for safety of minors

CHANGE IS KNOCKING on the door of Parliament. Millions are oppressed every day in brothels, homes, factories and hell-holes of endless violence against children. After rescuing tens of thousands of children, I can vouch that our children cannot wait any longer. I have heard rescued young girls talking about how they had been sold for a price much less than that of a buffalo. Recently, some children who were freed from a jeans factory in Delhi could barely open their eyes because they had not seen the sun for the last three years. Sitting and working for long hours without proper food had left them crippled. These are not isolated stories and should be looked against the overarching backdrop of a national emergency where eight children go missing every hour; four are sexually abused and two raped.

One ray of hope is a strong legal mechanism against trafficking and India is very close to coming up with a legislation that will break the backbone of trafficking. The Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 has been introduced in the Lok Sabha. The Bill is a moral victory for the 12 lakh Indians who marched with me in the 12,000-km Bharat Yatra last year declaring a war on child trafficking and the sexual abuse of children.

An organised crime like trafficking needs a legislation that systematically dismantles the complicated modus-operandi of the traffickers. The proposed bill deals a solid blow to the very economics of trafficking as an illicit trade that fuels black money and corruption. Trafficking is the largest illicit trade in the world which is pegged at

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The Bill proposes time-bound completion of trials against perpetrators with strong economic deterrents like attachment and forfeiture of property and also the proceeds of crime. Further, rigorous imprisonment and massive fines will cripple this organised crime. The anti-trafficking bill also provides a comprehensive framework for rehabilitation in a time-bound manner, irrespective of conviction. The Bill calls for the creation of a central and state-level rehabilitation funds for the survivors of trafficking for the first time ever.

Recently, an 11-year old girl was raped over several weeks in an apartment complex in Chennai, allegedly by 17 men. A 14-month-old girl was raped in Madhya Pradesh by a close relative. Such incidents are going up in the absence of a deterrent legal framework.

To counter this disturbing and growing phenomenon, the Criminal Law (Amendment) Bill, 2018 stipulates extremely stringent punishment for perpetrators of rape on minor girls. It is appalling to note that the current pendency for disposing of rape cases in some states is as high as 50 to 100 years. Most important is the fact that the Bill will pave the way for time-bound disposal of trials ensuring expeditious justice delivery by setting up special fast-track courts in all districts and forensic laboratories in every state. This Bill, replacing the ordinance promulgated in April, will also be tabled in the ongoing monsoon session of Parliament along with the Anti-Trafficking Bill.

Over the last 10 years, India has made

phenomenal progress in promulgating and amending several pieces of legislation that will go a long way in upholding the rights of its children — for example, the Right to Education Act (2009), POCSO Act (2012), Juvenile Justice Act (2015), the new child labour law of 2016. In addition, on several occasions during the last decade, the judiciary has delivered landmark judgments related to missing children, the establishment of anti-human trafficking units, recovery of back wages and ensuring compensation for survivors of modern slavery, among others.

In the absence of a robust anti-trafficking law, the state is failing to fulfil its duties under these laws and judgments.

It is abundantly clear that to be able to deliver justice to the most vulnerable survivors of trafficking, lawmakers must ensure the speedy and unhindered passage of the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill, 2018 and the Criminal Law (Amendment) Bill.

Let me underline that laws and institutions cannot be perfect instruments of justice in one go. There is always room for improvement in any law, and that is how they evolve. But we cannot keep arguing, hoping for a utopian legislation. Laws are the only tools at our disposal for a just and equitable society. Eventually, all stakeholders have to collectively use their hearts, heads and hands to attain justice. The collective conscience of all my fellow citizens is the only way to protect our children and while these laws are the first step they are only the first step. Society must rise collectively to provide protection to our children.

The writer, a child rights activist, won the Nobel Peace Prize 2014

Fighting trafficking

New Bill on anti-trafficking will provide legal shield to the most vulnerable section of the society

Amid the din of the no-confidence motion, the vituperative barbs and the trivialising wink, Parliament did manage to transact some positive worth for itself as the Trafficking of Persons (Prevention, Protection and Rehabilitation) Bill was tabled. If passed, it will be one of the most comprehensive anti-trafficking laws in the world and will have the distinction of being democratically drafted by every stakeholder, expert, activist and affected quarter. Human trafficking is the third biggest nightmare after drugs and arms and when it comes to India, the largest sufferers have been sadly children, who have been used as cheap fodder for the sex trade and couriers for terror networks. Nobel laureate Kailash Satyarthi, who has been crusading for child rights, has been advocating a strong law against human trafficking for years now. According to estimates, every eight minutes a child goes missing in our country and in majority of the cases, he/she is trafficked for sexual abuse, prostitution, forced labour, slavery, child marriage, organ trade and other purposes. Such is the extent of the rights violations that the Supreme Court defined trafficking as an organised crime for the first time in 2011. So this legislation, when it comes through, would be a legal shield for the most vulnerable human resource of our country.

The Bill targets all aspects of human trafficking, including economic, organised and sexual crimes, and while demanding stringent punishment for the accused also provides for special fast track courts, time-bound action and separate inquiry offices for the purpose of ensuring privacy and fairness of investigations. It further includes an investigation framework for victims from national to district level. Many may argue that existing laws have teeth and provision enough for swift inquiry and disposal but are not enforced in spirit. However, this is the first Bill that includes a provision for a rehabilitation fund for the victims and suggests a mechanism by which they can be mainstreamed in society. Of course, there have been protests from sex workers who have objected to the criminalisation clause and their voluntary right to work in the sex trade. The strident raid and rescue model, they feel, will affect the lives of sex workers, who already bear the brunt of police brutality. However, the Bill is a consultative process and will almost try to factor in everybody's rights. But it needs to be passed in a time-bound manner nevertheless as currently we use different laws to deal with human trafficking cases depending on the facts of each. A unified, cogent law will take care of a vacuum that cannot be allowed to exist in society and, therefore, should not be politicised.